

WARRANT

ANNUAL TOWN MEETING May, 17 2022

WARRANT – Annual Town Meeting, Tuesday, May 17, 2022

HAMPDEN, ss

To any and all constables in the Town of Holland, County of Hampden

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Holland qualified to vote in elections and in Town affairs, to meet at Holland Elementary School on Tuesday, May 17, 2022 at 6:00p, then and there to act on all business on the Annual Town Meeting Warrant except the election of such officers and the determination of such matters as are required by law to be determined by ballot, which Election shall be held on June 14th, between the hours of 10:00 AM and 8:00 PM, to wit: Holland Community Center, 40 Brimfield Rd., Holland MA

ARTICLE #1 To choose by ballot all necessary Town Officers for the ensuing terms: Selectman, (one) 3 yr.; Assessor, (one) 3 yr.; Board of Health, (one) 3 yr.; Cemetery, (one) 3 yr.; Constable, (one) 3 yr.; Highway Surveyor (one) 3 yr.; Holland School Committee, (one) 3 yr.; Library Trustee, (one) 3 yr.; Measurer of Wood and Bark, (one) 3 yr.; Moderator, (one) 3 yr.; Planning Board, (one) 5 yr.; Planning Board, (one) 2 yr.; Town Clerk, (one) 3 yr.; Water Commissioner (one) 3 yr.; or take any other action relative thereto.

Select Board YES – 3, NO - 0

ARTICLE #2 To hear the reports of the Town Officers and outstanding committees, or take any other action relative thereto.

Select Board YES – 3, NO - 0

ARTICLE #3 To see if the Town will vote to fix the salary and compensation of all employees and officers of the Town, expenses and outlays of Town Departments, as presented on the salary and expense spreadsheet at the Town Meeting as may be necessary to defray the expenses of the Town, for the ensuing twelve-month fiscal period, effective from July 1, 2022, as provided by Section 108 of Chapter 41 of the General Laws, as amended and raise and appropriate or transfer from available funds a sum of money therefor, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #4 To see if the Town will vote to accept and appropriate funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Select Board or their duly authorized representative, to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 money allocated to the Town by the State, or take any other action relative thereto.

Select Board YES – 3, NO - 0

ARTICLE #5 To see if the Town will vote to establish Fiscal Year 2022 spending limits for the revolving funds listed in Chapter 4, Financial Affairs, Section 8, Departmental Revolving Fund of the General Bylaw, all as set forth below, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Select Board, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below:

Revolving Fund	Spending Limit
Cemetery Commission	\$5,000
Library Trustees	\$600
Electrical Inspector	\$10,000
Plumbing Inspector	\$5,000
Zoning Board of Appeals	\$5,000
Fire Dept.	\$10,000
Animal Control Officer(s)	\$5,000
Conservation Commission	\$5,000
Planning Board	\$5,000
Building Commissioner	\$24,000
Board of Health	\$15,000
Community Center	\$10,000

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #6 To see if the Town will vote to raise and appropriate, transfer, or borrow \$_____ to pay prior fiscal year invoices, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #7 To see if the Town will vote to raise and appropriate or transfer \$_____ to cover the Snow & Ice Expenses account deficit, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES - 4, NO - 0

ARTICLE #8 To see if the Town will vote to raise and appropriate or transfer \$_____ to cover the Snow & Ice Wages account deficit, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #9 To see if the Town will vote to transfer \$44,000 from FY22 Sicho! Land Loan Principal (001-710-5910-0005) to fund FY23 Sicho! Land Loan Principal budget line, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #10 - To see if the Town will vote to transfer the balances between the FY22 accounts identified below, as follows, or take any action relative thereto. *(Sponsored by the Recreation Committee)*

From Acct #	Description	New Acct#	Description	Amount
203	Scoreboard Gift	260	Rec Revolving	\$46.00
204	Backstop Gift	260	Rec Revolving	\$50.00
208	Rec Equip Gift	260	Rec Revolving	\$3,055.82
205	Kennel Gift	001-145-4840-000	Misc Revenue	\$20.00
234	Law Enforcement Trust	001-145-4840-000	Misc Revenue	\$0.34
245	MTA Tourism Grant	001-145-4840-000	Misc Revenue	\$200.00

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #11 To see if the Town will vote to raise and appropriate or transfer up to, but not exceeding, \$4000 for technical upgrades for Library equipment, including all incidental and related costs, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #12 To see if the Town will vote to raise and appropriate transfer, or borrow up to \$5000 to add a Security System and upgrade the fire system, including all incidental and related costs, for the Community Center, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #13 To see if the Town will vote to raise and appropriate, transfer, or borrow up to, but not exceeding, \$3000 to replace the current Drop Box receptacle, including all incidental and related costs, outside Town Hall, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #14 To see if the Town will vote to raise and appropriate, transfer, or borrow up to, but not exceeding, \$2500 to purchase materials needed for proper storage records requiring permanent retention, including all incidental and related costs, or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #15 To see if the Town will vote to raise, appropriate, borrow or transfer from available funds seventy-five thousand dollars (\$75,000.00) to install bituminous concrete pavement along 1,340 linear feet of Old County Road, including all incidental and related costs, for a match grant or take any other action relative there to.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #16 To see if the town will vote to raise, appropriate, borrow or transfer from available funds seventy-five dollars thousand (\$75,000.00) to purchase and equip, including all incidental and related costs, of an All-Wheel Skid Steer , or take any other action relative there to.

Select Board YES – 0, NO - 3

Finance Board YES – 0, NO - 4

ARTICLE #17 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, up to, but no more than, seven hundred and eighty-two thousand dollars (\$782,000) to purchase and equip, including all incidental and related costs, an Attack Pumper (Engine 1) equipped for Structure Fire use to replace the now 24 year old Attack Pumper (Engine 2), or take any other action relative thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #18 To see if the Town will vote to Accept the provisions of Mass General Laws, Chapter 59, Section 5, Clause 17E, enacted as Chapter 380, Section 2, of the Acts of 2000.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter59/Section5>

Appendix A

Select Board YES – 3, NO - 0

ARTICLE #19 To see if the Town will vote to Accept the provisions of General Laws, Chapter 59, Section 5, Clause 41D, enacted as Chapter 380, Section 2, of the Acts of 2000.

Appendix A

Select Board YES – 3, NO - 0

ARTICLE #20 To see if the Town will vote to amend General Bylaw, Chapter 2, Section 2.3.1 by striking any text shown as struck through and inserting any text shown in bold or underlined, as follows in the first sentence of said section, "" And replacing it with "**There shall be a Finance Board consisting of five (5) members, who shall be appointed by the Moderator as hereinafter provided. An eligible member must own a residence in Holland but is not required to be a registered voter.**"

Select Board YES – 1, NO – 02

Finance Board YES – 3, NO - 1

ARTICLE #21 To see if the Town will vote to amend zoning bylaw Section VII 7.4.1, titled "SIGNS", by adding the following new subsection j, "**These provisions shall not apply to signs, signals, and devices installed by the Town in accordance with the standard municipal traffic code, or those signs, signals, and devices used for work zone safety, road and raffia hazards, or for reasons permitted by Town policy concerning the use of Information Dissemination Devices, specifically Portable Changeable Message signs**", or take any other action relative thereto.

Select Board YES – 3, NO - 0

ARTICLE #22 To see if the Town will vote to amend the Zoning Bylaw Section 7C, MEDICAL/ADULT USE MARIJUANA as follows:

Appendix B

Select Board YES – 0, NO - 3

ARTICLE #23 To see if the Town will vote to amend the Zoning bylaw Section VII. GENERAL REGULATIONS, 7.0, PRE-EXISTING NONCONFORMING USES AND STRUCTURES, by adding: subsection 7.0.6 as follows: “Any non-conforming lot, whether vacant or not, which enjoys protection pursuant to G.L. c. 40, section 6 shall not be subject to the Merger-Doctrine if at any time such pre-existing non-conforming lot comes under common ownership with an adjoining or abutting pre-existing non-conforming lot. The protection granted under said G.L. c. 40A, section 6 shall not depend on ownership of such lot. An abutter of such lot shall have the same rights to develop such lot as a non-abutter”; or take any action relative thereto.

Select Board YES – 0, NO - 3

ARTICLE #24 To see if the Town will vote to amend the Zoning bylaw SECTION V. DIMENSIONAL REQUIREMENTS 5.0 DIMENSIONAL and DENSITY REQUIREMENT, Table 2 Dimensional and Density Requirements for District Agricultural-Residential Frontage from 300 to 50.

Select Board YES – 0, NO - 3

ARTICLE #25 To see if the Town will vote to amend the General bylaw, Chapter 11 Hamilton Reservoir Dock Regulations by deleting Chapter 11 in its entirety and replacing as shown on Attachment 1 to this Warrant, a copy of the Attachment can also be reviewed at the Town Clerk’s office and on the Town’s Website at <https://town.holland.ma.us/>

Appendix C

Select Board YES – 3, NO - 0

ARTICLE #26 To see if the Town with vote to amend the General Bylaw Chapter 3, Town Meetings – Elections, Section 3.1 Dates of Meetings, by removing the stricken word and replacing it with the word following in bold to become effective May, 2023, or take any action relative thereto.

3.1.1 All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be determined by ballot, shall be considered on the ~~third-last~~ **third** Tuesday in May

Select Board YES – 3, NO - 0

ARTICLE #27 To see if the Town will vote to amend the General Bylaw Chapter 7 Section 7.2.1 by striking the word Town from the section as follows: “The Annual ~~Town~~ Report shall be based on the prior Fiscal Year unless otherwise prescribed by law.”

Select Board YES – 3, NO - 0

ARTICLE #28 To see if the Town will vote to amend Personnel Bylaw section 4 HOLIDAYS 4.1 by amending 4.1.1 by striking (11) and replacing with (12) per Mass General Law; and adding subsection 4.1.1.12 Juneteenth.

Select Board YES – 3, NO - 0

ARTICLE #29 To see if the Town will vote to combine its elected Town Treasurer and elected Tax Collector to become an appointed Town Treasurer/Collector; or to take any other action relative thereto.

Select Board YES – 3, NO - 0

ARTICLE #30 To see if the Town will vote to transfer \$_____ from the Dam Repair Stabilization account to the Dam Maintenance account, or take any other action relative thereto.

Select Board YES – 0, NO - 3

Finance Board YES – 0, NO - 4

ARTICLE #31 To see if the Town will vote to transfer \$_____ from the Cyclic Stabilization account to the Board of Health Expenses account for stump grinding at the brush dump, or take any other action thereto.

Select Board YES – 0, NO - 3

Finance Board YES – 0, NO - 4

ARTICLE #32 To see if the Town will vote to raise and appropriate or transfer \$_____ to the Cyclic Stabilization account, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #33 To see if the Town will vote to raise and appropriate or transfer \$_____ to the Roadway Stabilization account, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #34 To see if the Town will vote to raise and appropriate or transfer \$_____ to the Capital Stabilization account, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #35 To see if the Town will vote to raise and appropriate or transfer \$_____ to the Tree Warden account, or take any other action thereto.

Select Board YES – 3, NO - 0

Finance Board YES – 4, NO - 0

ARTICLE #36 To see if the Town will vote to raise and appropriate or transfer \$_____ to the Highway Road Improvement account, or take any other action thereto.

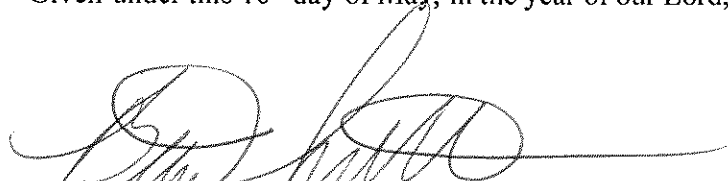
Select Board YES – 3, NO - 0

Finance Board YES – 4, NO – 0

And you are hereby directed to serve this warrant, by posting up attested copies thereof at five (5) conspicuous places in said town, at least seven days (7) before the time of holding said meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at a said time and place meeting, as fore said.

Given under this 10th day of May, in the year of our Lord, Two Thousand and Twenty-two.

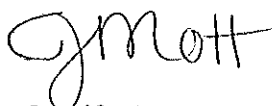


Bettina Schmidt, Chairman



Constable

A True Copy, Attest:



Jennifer Mott
Town Clerk

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter59/Section5>

Section 5: Property; exemptions

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

First, Property owned by the United States so far as the taxation of such property is constitutionally prohibited, excepting property which the Congress of the United States has permitted to be subject to local taxation.

Second, Property of the commonwealth, except real estate of which the commonwealth is in possession under a mortgage for condition broken, lands in Boston known as the commonwealth flats, if leased for business purposes, lands and flats lying below high water mark in Provincetown harbor, belonging to the commonwealth and occupied by private persons by license of the department of environmental protection together with all wharves, piers and other structures which have been built thereon subsequent to the twenty-second day of May, nineteen hundred and twenty, and those which may hereafter be built on said lands and flats, in conformity with permits or licenses, buildings erected by lessees under section twenty-six of chapter seventy-five, structures erected on land in state forests, parks and reservations by persons occupying such land under authority conferred by the commissioner of environmental management, property taxable under chapter five hundred and seventy-five of the acts of nineteen hundred and twenty, and real estate taxable under section three A.

Third, Personal property of a charitable organization, which term, as used in this clause, shall mean (1) a literary, benevolent, charitable or scientific institution or temperance society incorporated in the commonwealth, and (2) a trust for literary, benevolent, charitable, scientific or temperance purposes if it is established by a declaration of trust executed in the commonwealth or all its trustees are appointed by a court or courts in the commonwealth and if its principal literary, benevolent, charitable, scientific or temperance purposes are solely carried out within the commonwealth or its literary, benevolent, charitable, scientific or temperance purposes are principally and usually carried out within the commonwealth; and real estate owned by or held in trust for a charitable organization and occupied by it or its officers for the purposes for which it is organized or by another charitable organization or organizations or its or their officers for the purposes of such other charitable organization or organizations; and real estate purchased by a charitable organization with the purpose of removal thereto, until such removal, but not for more than two years after such purchase; provided, however, that:--

(a) If any of the income or profits of the business of the charitable organization is divided among the stockholders, the trustees or the members, or is used or appropriated for other than literary, benevolent, charitable, scientific or temperance purposes or if upon dissolution of such organization a distribution of the profits, income or assets may be made to any stockholder, trustee or member, its property shall not be exempt; and

(b) A corporation coming within the foregoing description of a charitable organization or trust established by a declaration of trust executed in the commonwealth and coming within said

description of a charitable organization shall not be exempt for any year in which it omits to bring in to the assessors the list, statements and affidavit required by section twenty-nine and a true copy of the report for such year required by section eight F of chapter twelve to be filed with the division of public charities in the department of the attorney general, nor shall it be exempt for that athletic property or portion thereof for the part of the year which the assessors have determined to be utilized for other than literary, educational, benevolent, temperance, charitable, or scientific purposes in direct competition with a person engaged in the same activity and subject to the tax imposed by this chapter on properties so used. In the case of the exemption of property from tax for a part of the year, the tax imposed shall bear the same proportion to the tax which would be applicable to such property if it were subject to tax for the entire year as the time such property is employed in such use bears to the total time during which such property is available for use during the year.

(c) Real or personal property of a charitable organization occupied or used wholly or partly as or for an insane asylum, insane hospital, or institution for the insane, or principally for the treatment of mental diseases or mental disorders, shall not be exempt unless at least one fourth of all property so occupied or used, wholly or partly, on the basis of valuation thereof, and one fourth of the income of all trust and other funds and property held for the benefit of such asylum, hospital or institution and not actually occupied or used by it for such purposes, is used and expended entirely for the treatment, board, lodging or other direct benefit of indigent insane persons, or indigent persons in need of treatment for mental diseases, as resident patients, without any charge therefor to such persons either directly or indirectly, except that a charitable organization conducting an insane asylum, insane hospital or institution for the insane to which persons adjudged insane by due process of law may be committed shall be exempt from taxation on personal property and buildings so occupied or used, but shall be subject to taxation on the fair cash value of the land owned by it and used for the purposes of such asylum, hospital or institution; and

(d) Real estate acquired after May fourth, nineteen hundred and eleven, by any association or private corporation formed or incorporated for the care of the insane, shall not be exempt under paragraph (c) unless the city council of the city, or the inhabitants of the town, in which it is situated, have by vote lawfully taken consented to the acquisition of such real estate, to be so exempt; nor shall real estate of a trust coming within the foregoing description of a charitable organization, if occupied or used wholly or partly as or for an insane asylum, insane hospital, or institution for the insane, or principally for the treatment of mental diseases or mental disorders, be exempt under paragraph (c) unless the city council of the city, or the inhabitants of the town, in which it is situated, have by vote lawfully taken consented to such exemption; and

(e) Real and personal property of an educational institution coming within the foregoing description of a charitable organization which is occupied or used wholly or principally as residences for officers of such institutions and which is not part of or contiguous to real estate which is the principal location of such institution shall not be exempt.

In any city or town which accepts the provisions of this sentence, the provisions of subsection (c) shall not apply to any charitable non-residential mental health facility, organized under chapter one hundred and eighty which provides clinical, therapeutic, diagnostic and counseling services to persons with mental disorders. In any city or town that accepts this sentence, any real estate owned by, or held in trust for, a charitable organization for the purpose of creating community housing, as defined in section 2 of chapter 44B, that was purchased from an entity that acquired the property pursuant to section 14 of chapter 244 shall be exempt until such real estate is leased, rented or otherwise disposed of, but not for more than 7 years after such purchase.

Fourth, That portion of the real estate and buildings of incorporated horticultural societies used for their offices, libraries and buildings.

Fourth A, Real and personal estate of incorporated agricultural societies; provided, that if the whole or any part of any such real estate is used for other than agricultural exhibition purposes and if the

society derives any income from such use, such real estate, or part, as the case may be, shall not be exempt; and provided further, that if such society has not held an agricultural exhibition on such land for a period of three years or more, such real estate shall not be exempt.

Fifth, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of two hundred thousand dollars, if actually used and occupied by such association, and if the net income from said property is used for charitable purposes; but it shall not be exempt for any year in which such association or the trustees holding for the benefit of such association wilfully omit to bring in to the assessors the list and statement required by section twenty-nine.

Fifth A, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of four hundred thousand dollars, if actually used and occupied by such association, and if the net income from said property is used for charitable purposes; but it shall not be exempt for any year in which such association or the trustees holding for the benefit of such association wilfully omit to bring into the assessors the list and statement required by section twenty-nine. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Fifth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement, if any, granted to such city or town under said clause Fifth for the most recent fiscal year in which it received such reimbursement.

Fifth B, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of seven hundred thousand dollars, if used and occupied by such association, and if the net income from said property is used for charitable purposes; provided, however, that such estate shall not be exempt for any year in which such association or the trustees holding for the benefit of such association wilfully omit to file with the assessors the list and statement required by section twenty-nine. This clause shall take effect upon its acceptance by any city or town. In a city or town which accepts the provisions of this clause, the provisions of clause Fifth and Fifth A shall not be applicable.

Fifth C, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of \$1,500,000, if used and occupied by such association, and if the net income from the property is used for charitable purposes, but the estate shall not be exempt for any year in which the association, or the trustees holding for the benefit of the association, wilfully fails to file with the assessors the list and statement required by section 29. This clause shall take effect upon its acceptance by any city or town. In a city or town which accepts this clause, clauses Fifth, Fifth A and Fifth B shall not be applicable.

Sixth, Real estate owned by or held in trust for a regiment, corps, company or other organized unit of the volunteer militia and used exclusively for military purposes, and tangible personal property owned by such an organized unit of the volunteer militia and used by it or its members exclusively for military purposes, for any year in which the trustee or a competent officer of the organization owning such property brings in to the assessors the list and statement required by section twenty-nine.

Seventh, Personal property of a fraternal society, order or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing life, sick, accident or other benefits for the members of such society, order or association, or their dependents.

Eighth, Personal property of any retirement association exempted by section nineteen of chapter thirty-two.

Ninth, Property of any annuity, pension or endowment association exempted by section forty-one of said chapter.

Tenth, Personal property owned by or held in trust within the commonwealth for religious organizations, whether or not incorporated, if the principal or income is used or appropriated for religious, benevolent or charitable purposes.

Eleventh, Notwithstanding the provisions of any other general or special law to the contrary, houses of religious worship owned by, or held in trust for the use of, any religious organization, and the pews and furniture and each parsonage so owned, or held in irrevocable trust, for the exclusive benefit of the religious organizations, and including the official residences occupied by district superintendents of the United Methodist Church and the Christian and Missionary Alliance and of the Church of the Nazarene, and by district executives of the Southern New England District of the Assemblies of God, Inc., Unitarian-Universalist Churches and the Baptist General Conference of New England, and the official residence occupied by the president of the New England Synod of the Lutheran Church in America, Inc., and the official residence occupied by a person who has been designated by the congregation of a Hebrew Synagogue or Temple as the rabbi thereof, but such exemption shall not, except as herein provided, extend to any portion of any such house of religious worship appropriated for purposes other than religious worship or instruction. The occasional or incidental use of such property by an organization exempt from taxation under the provisions of 26 USC Sec. 501(c)(3) of the Federal Internal Revenue Code shall not be deemed to be an appropriation for purposes other than religious worship or instruction.

Twelfth, Cemeteries, tombs and rights of burial, so long as dedicated to the burial of the dead, and buildings owned by religious nonprofit corporations and used exclusively in the administration of such cemeteries, tombs and rights of burial.

Thirteenth, Personal property held by cities, towns, religious societies and cemeteries, whether incorporated or unincorporated, or by the commonwealth or by any corporation, for the perpetual care of graves, cemetery lots and cemeteries, for the placing of flowers upon graves, for the care or renewal of gravestones, monuments or tombs, and for the care and maintenance of burial chapels; but this exemption shall not apply to any such personal property held by a cemetery corporation which distributes any of the income or profits of its business among its stockholders or members, nor shall such property be exempt for any year in which the holder thereof, other than the state treasurer, omits to bring in to the assessors the list and statement required by section twenty-nine.

Fourteenth, Any real or personal property of a water company whose charter exempts such property from taxation, but not of any other water company unless exempted by clause sixteenth.

Fifteenth, Property other than real estate owned by a credit union incorporated under chapter one hundred and seventy-one; also the capital stock thereof.

Sixteenth, (1) In the case of: (i) a financial institution as defined in section 1 of chapter 63; (ii) a business corporation subject to taxation under chapter 63 other than a corporation mentioned in either paragraph (2) or (3); (iii) a telephone corporation subject to chapter 166; or (iv) a business corporation subject to taxation under section 20, 23 or 58 of said chapter 63, all property owned by such financial institution or corporation except real estate, poles, underground conduits, wires, pipes and machinery used in manufacture or in supplying or distributing water; provided, however, that in the case of a business corporation subject to taxation under said sections 20 or 23, the laws of the state of incorporation or, in the case of a business corporation of another nation, the laws of the state where it has elected to establish its principal office in the United States, grant similar exemption from taxation of tangible property owned by like corporations organized under or created by the laws of the commonwealth.

(1A) Underground wires, conduits and appurtenant equipment installed in accordance with the provisions of an ordinance or by-law adopted pursuant to the provisions of section twenty-two C or

section twenty-two D of chapter one hundred and sixty-six to the extent of seventy-five per cent of the value thereof.

(2) In the case of a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation or a telephone corporation subject to chapter 166, all property owned by the corporation other than the following:-- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function.

(3) In the case of (i) a manufacturing corporation or a research and development corporation, as defined in section 42B of chapter 63, or (ii) a limited liability company that; (a) has its usual place of business in the commonwealth; (b) is engaged in manufacturing in the commonwealth and whose sole member is a manufacturing corporation as defined in section 42B of chapter 63 or is engaged in research and development in the commonwealth and whose sole member is a research and development corporation as defined in said section 42B; and (c) is a disregarded entity, as defined in paragraph 2 of section 30 of chapter 63, all property owned by the corporation or the limited liability company other than real estate, poles and underground conduits, wires and pipes; provided, however, that no property, except property entitled to a pollution control abatement under clause forty-fourth or a cogeneration facility, shall be exempt from taxation if it is used in the manufacture or generation of electricity and it has not received a manufacturing classification effective on or before January 1, 1996. For the purposes of this section, a cogeneration facility shall be an electrical generating unit having power production capacity which, together with any other power generation facilities located at the same site, is not greater than 30 megawatts and which produces electric energy and steam or other form of useful energy utilized for industrial, commercial, heating or cooling purposes. For purposes of this paragraph, in determining whether the sole member of a limited liability company treated as a disregarded entity is a manufacturing corporation or a research and development corporation, the attributes and activities of the limited liability company shall be taken into account by the member along with the member's other attributes and activities. This clause as it applies to a research and development corporation, as defined in section 42B of said chapter 63, and as it applies to a limited liability company that is a disregarded entity and whose sole member is a manufacturing corporation or a research and development corporation shall take effect only upon its acceptance by the city or town in which the real estate, poles and underground conduits, wires and pipes are located.

(4) Exemption under this clause shall not extend to a corporation subject to section 15.01 of subdivision A of Part 15 of chapter 156D, if the corporation has failed to deliver the certificate required by section 15.03 of said subdivision A of said Part 15 of said chapter 156D.

(5) The classification by the commissioner or the appellate tax board of a corporation as a business corporation, manufacturing corporation or research and development corporation, as respectively defined as aforesaid, shall be followed in the assessment under this chapter of machinery used in the conduct of the business.

Seventeenth, Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than ten years; provided, that the whole estate, real and personal, of such spouse, person or minor does not exceed in value the sum of twenty thousand dollars, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first and exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse,

person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Where the whole estate, real and personal, of such spouse, person or minor exceeds in value the sum of eight thousand dollars, exclusive of property otherwise exempt as aforesaid and exclusive of the value of the mortgage interest as aforesaid, this exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause.

[There is no clause Seventeenth A or Seventeenth B.]

Seventeenth C, Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than ten years; provided, that the whole estate, real and personal, of such spouse, person or minor does not exceed in value the sum of forty thousand dollars, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first, exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate and exclusive of the first sixty thousand dollars in value of real estate occupied by such person as his domicile. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse, person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Seventeenth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

Seventeenth C1/2. Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than ten years; provided, however, that the whole estate, real and personal of such spouse, person or minor does not exceed in value the sum of forty thousand dollars, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first, exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate and exclusive of the first one hundred and fifty thousand dollars in value of real estate occupied by such person as his domicile. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse, person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of

one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Seventeenth shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

Seventeenth D, Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than five years; provided, that the whole estate, real and personal, of such spouse, person or minor does not exceed in value the sum of forty thousand dollars provided that the real property occupied by such person as his or her domicile shall not be included in computing the whole estate, except for any portion of said real property which produces income and exceeds two dwelling units, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first, exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate.

No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse, person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause. This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal years commencing on or after July first, nineteen hundred and eighty-six, or for fiscal years commencing on or after such later July first as the city or town may elect. In those cities and towns which accept the provisions of this clause, the provisions of clauses Seventeenth and Seventeenth C shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

Seventeenth E, The amount of the whole estate, real and personal, as set forth in clauses Seventeenth, Seventeenth C, Seventeenth C1/2 and Seventeenth D, shall be increased annually by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year. The department of revenue shall annually inform each city or town that accepts this clause of the amount of this increase. This clause shall take effect in a city or town upon its acceptance by such city or town. Acceptance of this clause by a city or town shall not increase its reimbursement by the commonwealth under this section.

Seventeenth F, Notwithstanding any provision of general or special law to the contrary, an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2 or Seventeenth D may be increased annually at the discretion of a city or town by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year. This clause shall take effect in a city or town upon its acceptance by such city or town.

Eighteenth, Any portion of the estates of persons who by reason of age, infirmity and poverty, or financial hardship resulting from a change to active military status, not including initial enlistment are in the judgment of the assessors unable to contribute fully toward the public charges.

Eighteenth A, Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.

[Introductory paragraph of second paragraph of clause Eighteenth A effective for taxes assessed for fiscal years beginning on or after July 1, 2016. See 2016, 218, Sec. 247.]

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:--

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, not later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and

(6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

Nineteenth, Merchandise, machinery and animals owned by inhabitants of this commonwealth but situated in another state.

[Clause Twentieth effective for taxes or excises assessed for fiscal years beginning on or after July 1, 2017. See 2016, 218, Sec. 248.]

Twentieth, The wearing apparel, farming utensils and cash on hand of every person and the tools of his trade if a mechanic, to any amount; his household furniture and effects, including jewelry, plate, works of art, musical instruments, radios, television sets and garage or stable accessories, in storage in a public warehouse kept and maintained under chapter one hundred and five or used or commonly kept in or about the dwelling of which he is owner of record or for the use of which he is obligated to pay rent, and which is the place of his domicile; and, to an amount not exceeding a total value of \$50,000, in respect to boats, fishing gear and nets, owned and actually used by the owner in the prosecution of the owner's business if engaged in commercial fishing and if no less than 50 per cent of the owner's income is from commercial fishing; provided, that failure to comply with the provisions of sections twenty-nine and sixty-one relative to the filing of a list of his personal estate with the assessors shall not be a bar to an abatement of the tax, if any, imposed upon such personal estate.

Twenty-first, Mules, horses and neat cattle less than one year old; swine, sheep and goats less than six months old; domestic fowl not exceeding fifteen dollars in value; mules, horses, neat cattle, swine, sheep, goats and domestic fowl subject to an excise imposed by section eight A; neat cattle which are less than three years old and held for the personal use and consumption of the owner.

Twenty-second, Real estate of the following classes of persons who are legal residents of the commonwealth and who are veterans, as defined in clause Forty-third of section seven of chapter four, and whose last discharge or release from the armed forces was under other than dishonorable conditions and who were domiciled in Massachusetts for at least six months prior to entering such service, or who have resided in the commonwealth for 2 consecutive years next prior to date of filing for exemptions under this clause, hereinafter referred to in this clause as soldiers and sailors, provided such real estate is occupied in whole or in part as his domicile by such person, and provided, further that if the spouse of the soldier or sailor is also a soldier or sailor each shall receive the amount of exemption provided in this clause to the same extent as if unmarried, to the amount of two thousand dollars of assessed taxable valuation or the sum of \$400, whichever would result in an abatement of the greater amount of actual taxes due. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to a soldier or sailor or to the spouse, surviving spouse, father or mother of a soldier or sailor to evade taxation.

(a) Soldiers and sailors who, as a result of disabilities contracted while in the line of duty, have a disability rating of ten per cent or more as determined by the Veterans Administration or by any branch of the armed forces. After the assessors have allowed an exemption under this clause, no further evidence of the existence of the facts required by this clause shall be required in any subsequent year in the city or town in which the exemption has been allowed, unless the disability rating determined by the Veterans Administration or any branch of the armed forces is reduced to less than ten per cent; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted.

(b) Soldiers and sailors who served in the military or naval service of the United States in the Spanish War, in the Philippine Insurrection or in the Chinese Relief Expedition and were discharged or released in any manner other than dishonorably therefrom.

(c) Soldiers and sailors who have been awarded the decoration of the Purple Heart. No evidence of disability shall be required under this paragraph. After the assessors have allowed an exemption under this paragraph, no further evidence of the receiving of the Purple Heart shall be required in any subsequent year in the city or town in which the exemption has been so allowed.

(d) Spouses of soldiers and sailors entitled to exemption under this clause and the surviving spouse of soldiers or sailors described in this clause who at the time of their death were entitled to exemption or who lost their lives while serving in said war or in said Insurrection or said Relief Expedition, so long as they remain unmarried.

(e) Fathers and mothers of soldiers or sailors who lost their lives in such service, provided that only two thousand dollars of the taxable valuation of real property or the sum of \$400, whichever would result in an abatement of the greater amount of actual taxes due, of the real estate of any such father or mother held jointly by them shall be exempted; provided, further, that the words "father and mother" as appearing in this paragraph, shall be construed to include natural fathers and mothers, and fathers and mothers by adoption and persons who stood in loco parentis to such soldiers and sailors.

(f) Surviving spouses of soldiers or sailors who served in the armed forces of the United States between April sixth, nineteen hundred and seventeen and November eleventh, nineteen hundred and eighteen, or who were awarded the World War I Victory Medal; provided such spouses have remained unmarried and have resided in the commonwealth for 2 consecutive years next prior to the date of filing for exemption under this section; and provided, further, that the whole estate, real and personal, of such spouse does not exceed in value the sum of twenty thousand dollars, exclusive of the value of the mortgage interest held by persons other than such spouse in such mortgaged real estate as may be included in such whole estate. After the assessors have allowed an exemption under this clause, no further evidence of the existence of the facts required by this paragraph will be required in any subsequent year in the city or town in which the exemption has been so allowed, except that the assessors may require an annual statement that such spouse has remained unmarried; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted.

(g) For the purposes of this clause, \$2,000.00 of this exemption or up to the sum of \$175.00, whichever basis is applicable shall be borne by the city or town; the balance, up to the sum of \$225 shall be borne by the commonwealth.

Twenty-second A, Real estate of soldiers and sailors and their spouses who are legal residents of the commonwealth and who are veterans, as defined in clause forty-three of section seven of chapter four and whose last discharge or release from the armed forces was under other than dishonorable conditions, and who were domiciled in Massachusetts for at least six months prior to entering such service or who have resided in the commonwealth for 2 consecutive years next prior

to date of filing for exemption under this clause, who according to the records of the Veterans Administration or of any branch of the armed forces of the United States by reason of injury received or disease contracted while in such service and in the line of duty, lost or have suffered permanent loss of use of one foot at or above the ankle or lost or have suffered permanent loss of use of one hand at or above the wrist, or who according to the records of the Veterans Administration by reason of injury received or disease contracted while in such service, is receiving a statutory award from the Veterans Administration for such loss or loss of sight of one eye, or who have been awarded the congressional medal of honor, the distinguished service cross, the navy cross or the air force cross, or who is or was a prisoner of war, to the amount of four thousand dollars of the taxable valuation of real property or the sum of \$750 whichever would result in an abatement of the greater amount, of actual taxes due, in the case of each person, provided that such real estate is occupied as his domicile by such person, and provided, further, that if said property be greater than a single family house, then only that value of so much of said house as is occupied by said person as his domicile or a proportionate part of \$750, whichever would result in an abatement of the greater amount of actual taxes due, shall be exempted. After the assessors have allowed an exemption under this clause, no further evidence of the existence of the facts required by this clause shall be required in any subsequent year in the city or town in which the exemption has been granted; provided, however, that the assessors may refuse to grant an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted. An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption. For the purposes of this section, the term "prisoner of war" shall mean a regularly appointed, enrolled, enlisted or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict.

Two thousand dollars of this exemption or up to the sum of one hundred and seventy-five dollars, whichever basis is applicable shall be borne by the city or town; the balance, up to two thousand dollars of exemption or up to the sum of \$575, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance. No person who has received an exemption under this clause shall be denied the benefit of the exemption because the person returns to active service.

Twenty-second B, Real estate of soldiers and sailors and their spouses who are legal residents of the commonwealth and who are veterans, as defined in clause forty-three of section seven of chapter four, and whose last discharge or release from the armed forces was under other than dishonorable conditions, and who were domiciled in Massachusetts for at least six months prior to entering such service, or who have resided in the commonwealth for 2 consecutive years next prior to the date of filing for exemption under this clause, who according to the records of the Veterans Administration or of any branch of the armed forces by reason of such service in the armed forces of the United States have suffered in the line of duty the loss or permanent loss of use of both feet at or above the ankle, or loss or permanent loss of use of both hands at or above the wrist or loss or permanent loss of use of one foot at or above the ankle and one hand at or above the wrist, or the loss of sight of both eyes as prescribed and certified by the Veterans Administration to the amount of eight thousand dollars of the taxable valuation of real property or the sum of \$1,250, whichever would result in an abatement of the greater amount of actual taxes due, provided, that such real estate is occupied as his domicile by such person, and provided, further, that if said property be greater than a single family house then only that value of so much of said house as is occupied by said person as his domicile or a proportionate part of \$1,250 whichever would result in an abatement of the greater amount of actual taxes due, shall be exempted. An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran, as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

After the assessors have allowed an exemption under this clause, no further evidence of the existence of the facts required by this clause shall be required in any subsequent year in the city or town in which the exemption has been so allowed; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted.

Two thousand dollars of this exemption or up to the sum of one hundred and seventy-five dollars, whichever basis is applicable, shall be borne by the city or town; the balance up to six thousand dollars of exemption or up to the sum of \$1,075, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Twenty-second C, Real estate of soldiers and sailors and their spouses who are legal residents of the commonwealth who are veterans, as defined in clause forty-three of section seven of chapter four, and whose last discharge or release from the armed forces was under other than dishonorable conditions, and who were domiciled in Massachusetts for at least six months prior to entering such service, or who have resided in the commonwealth for 2 consecutive years next prior to date of filing for exemption under this clause, and who according to the records of the Veterans Administration by reason of such service in the armed forces of the United States have suffered in the line of duty permanent and total disability, and who by reason of such disability have received assistance in acquiring "specially adapted housing" under laws administered by the Veterans Administration to the amount of ten thousand dollars of the taxable valuation of real property or the sum of \$1,500, whichever would result in an abatement of the greater amount of actual taxes due, provided, that such real estate is occupied as his domicile by such person, and provided, further, that if said property be greater than a single family house then only that value of so much of said house as is occupied by said person as his domicile or a proportionate part of \$1,500, whichever would result in an abatement of the greater amount of actual taxes due, shall be exempted. An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such a disabled veteran, as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

After the assessors have allowed an exemption under this clause, no further evidence of the existence of the facts required by this clause shall be required in any subsequent year in the city or town in which the exemption has been so allowed; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted.

Two thousand dollars of this exemption or up to the sum of one hundred and seventy-five dollars, whichever basis is applicable, shall be borne by the city or town; the balance up to eight thousand dollars of exemption or up to the sum of \$1,325, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Twenty-second D, Real estate to the full amount of the taxable valuation of real property of the surviving spouses of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces which was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving spouse as the surviving spouse's domicile; and provided further, that the surviving spouse shall have been domiciled in the commonwealth for the 2 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for at least 6 months before entering service.

A surviving spouse eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2017. Such exemption shall be available until such time as the surviving spouse dies or remarries.

No real estate shall be exempt under this clause if it was conveyed to the surviving spouse to evade taxation. The amount of the exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected for this exemption.

Twenty-second E, Real estate of soldiers and sailors and their spouses who are legal residents of the commonwealth and who are veterans as defined in clause forty-three of section seven of chapter four, and who, as a result of disabilities contracted while in such service and in the line of duty, have a disability rating of one hundred per cent as determined by the Veterans Administration, and who were domiciled in the commonwealth for at least six months prior to entering such service, or who have resided in the commonwealth for 2 consecutive years next prior to date of filing for exemption under this clause, to the amount of six thousand dollars of the taxable valuation of real property or the sum of \$1,000, whichever would result in an abatement of the greater amount of actual taxes due, provided, that such real estate is occupied as his domicile by such person; and provided further, that if said property be greater than a single-family house, then only that value of so much of said house as is occupied by said person as his domicile or a proportionate part of \$1,000, whichever would result in an abatement of the greater amount of actual taxes due, shall be exempted. An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

After the assessors have allowed an exemption under this clause, the assessors shall require an annual statement certifying that the disability rating as determined by the Veterans Administration has not been reduced to less than one hundred per cent.

No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such soldier or sailor to evade taxation.

Two thousand dollars of this exemption or up to the sum of one hundred and seventy-five dollars, whichever basis is applicable, shall be borne by the city or town; the balance, up to four thousand dollars of exemption or up to the sum of \$825, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Twenty-second F, Real estate of soldiers and sailors who are veterans, as defined in clause Forty-third of section 7 of chapter 4, and their spouses who, according to the records of the United States Department of Veterans Affairs or of any branch of the armed forces of the United States by reason of injury received while in service and in the line of duty are paraplegics or have a disability rating of 100 per cent for service-connected blindness; provided, however, that the veteran or spouse shall be a legal resident of the commonwealth, the veteran's last discharge or release from the armed forces was under other than dishonorable conditions and the veteran was domiciled in the commonwealth for at least 6 months prior to entering service or resided in the commonwealth for 2 consecutive years prior to the date of filing for exemption pursuant to this clause; provided, further, that the real estate is occupied as the veteran's domicile; provided, further, that if the property is greater than a single-family house, then only that value of so much of the house as is occupied by the person as the person's domicile shall be exempted; and provided, further, that an exemption pursuant to this clause shall continue unchanged for the benefit of the surviving spouse after the death of the disabled veteran as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

No real estate shall be exempt if the assessors adjudge that it has been conveyed to a soldier or sailor to evade taxation.

After the assessors have allowed an exemption pursuant to this clause, no further evidence of the existence of the facts required by this clause shall be required in any subsequent year in the city or town in which the exemption has been allowed; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the soldier or sailor did not satisfy all of the requisites of this clause at the time the exemption was first granted.

Two thousand dollars of this exemption or up to \$175, whichever basis is applicable, shall be borne by the city or town and the balance shall be borne by the commonwealth; provided; however, that the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Notwithstanding this section, in any city or town which accepts this clause, the exemptions available pursuant to clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E and Twenty-second F may be granted to otherwise eligible persons who have resided in the commonwealth for 1 year prior to the date of filing for exemptions pursuant to the applicable clause.

Twenty-second G. In any city or town that accepts this clause, real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate.

Twenty-second H. Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

[There is no clause Twenty-third.]

Twenty-fourth, All intangible personal property.

[There is no clause Twenty-fifth.]

Twenty-sixth, Land classified under chapter sixty-one, except from the taxes provided for in said chapter.

[There are no clauses Twenty-seventh to Thirty-fourth.]

Thirty-fifth, Motor vehicles and trailers subject to taxation or exempted from taxation under the provisions of chapter sixty A, irrespective of the date of registration thereof under chapter ninety.

Thirty-sixth, Manufactured homes located in manufactured housing communities subject to the monthly license fee provided for under section thirty-two G of chapter one hundred and forty and mobile homes deemed, by section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, not to be located or present in or have a situs in such city or town for the purposes of taxation in respect to personal property, and for the purposes of this clause, a manufactured or mobile home shall include, but not be limited to, normal repairs and domiciliary additions and that repairs and domiciliary additions shall include, but not be limited to, repair or replacement of existing masonry, addition or replacement of new ceiling, wall floor surfacing, air conditioning installation or any domiciliary attachment.

Thirty-seventh, Real property, to the amount of five thousand dollars of the taxable valuation of real property, or the sum of four hundred and thirty-seven dollars and fifty cents, whichever would result in an abatement of the greater amount of actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, that such property is occupied by such person as his domicile. No real property shall be so exempt which has been conveyed to such blind person to evade taxation.

Four thousand dollars of this exemption or the sum of three hundred and fifty dollars, whichever basis is applicable, shall be borne by the city or town, the balance up to one thousand dollars of exemption or eighty-seven dollars and fifty cents, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

Thirty-seventh A, The sum of five hundred dollars of the actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, that such property is occupied by such person as his domicile. No real property shall be exempt which has been conveyed to such blind person to evade taxation. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause thirty-seventh shall not be applicable; provided, however, the sum of eighty-seven dollars and fifty cents of this exemption shall be borne by the commonwealth, and the state treasurer shall annually reimburse the city or town for the amount thereof.

Thirty-eighth, In determining the valuation, for city and town tax purposes, of any privately-owned airport, the value of any improvements on or to the landing area shall not be included so long as the owner grants free use of the landing area to the general public for the landing, taking off and taxiing of aircraft; provided, however, that the airport shall meet the minimum requirements set forth by the aeronautics division in rules and regulations issued pursuant to section 39 of chapter 90 and is certified by the aeronautics division to be included within the needs of civil aeronautics as established by the state airport plan prepared pursuant to section 39A of said chapter 90 and is approved for commercial operation by the aeronautics division.

[There is no clause Thirty-ninth.]

Fortieth, Air-raid, bomb or fall-out shelters constructed under standards established by the Massachusetts emergency management agency of the commonwealth or the United States in or in connection with residential dwellings so long as such shelters shall be used exclusively for air-raid, bomb or fall-out protection.

Forty-first, Real property, to the amount of four thousand dollars of the taxable valuation of real property or the sum of five hundred dollars, whichever would amount in an abatement of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an abatement is sought and occupied by said person as his domicile, or of a person who owns

the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an abatement is sought and occupied by them as their domicile, or of a person who has reached his seventieth birthday prior to the fiscal year for which an abatement is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided; (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years (2) has so owned and occupied such real property or other real property in the commonwealth for five years, or (3) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth for five years and who otherwise qualifies under this clause; (B) that such person had, in the preceding year, gross receipts from all sources of less than six thousand dollars, or, if married, combined gross receipts with his spouse of less than seven thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses, and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of seventeen thousand dollars, or if married, not in excess of twenty thousand dollars, provided that real property occupied as his domicile shall not be included in computing the whole estate except for any portion of said property which produces income, provided however that a taxpayer may, at his option, elect to include the value of real property occupied as his domicile in computing the value of his whole estate. If such real property is included in the whole estate, the value of the whole estate shall not exceed forty thousand dollars, or if married, forty-five thousand dollars. Household furnishings and property already exempt under the twelfth, twentieth, twenty-first, and thirty-fifth clauses of this section shall not be included in computing the whole estate. In the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an abatement of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due; provided that no exemption shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than six thousand dollars or, if married, the combined gross receipts from all sources whatsoever of each joint tenant or tenant in common and his spouse is less than seven thousand dollars and unless the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twelve thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant in common and his spouse does not exceed fifteen thousand dollars; and provided, further, that no proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. In determining the total period of ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause. Any person who receives an exemption under the provisions of this clause shall not receive an exemption on the same property under any other provision of this section except clause Eighteen.

Any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first B, clause Forty-first C, and clause Forty-first C1/2 shall be distributed as hereinafter provided. The commissioner of revenue shall divide said sum by the number of exemptions under this clause, clause Forty-first B, clause Forty-first C and clause Forty-first C1/2 granted in the preceding fiscal year and distribute to each city and town a pro rata share of said sum based upon the number of such exemptions granted in each city and town. If a city or town has elected to grant exemptions under clause Forty-first B, clause Forty-first C or clause Forty-first C1/2 in lieu of this clause, the number of exemptions granted in such city or town, for purposes of this computation, shall not exceed the number of exemptions granted under this clause in such city or town in the most recent fiscal year in which such exemptions under this clause were granted. If a city or town has elected to grant exemptions under clause Forty-first C1/2 in lieu of this clause, the value of exemptions granted, for purposes of this exemption, shall not be greater than \$500 per residence for which an exemption is granted.

Forty-first A, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

(1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or

(2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars. Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses.

[Introductory paragraph of third paragraph of clause Forty-first A effective for taxes assessed for fiscal years beginning on or after July 1, 2016. See 2016, 218, Sec. 247.]

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town. The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be

determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

Forty-first B, Real property, to the amount of four thousand dollars of taxable valuation or the sum of five hundred dollars, whichever would amount in an exemption of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years, (2) has so owned and occupied such real property or other real property in the

commonwealth for five years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the commonwealth five years and who otherwise qualified under this clause; (B) that such person had, in the preceding year gross receipts from all sources of less than ten thousand dollars, or if married, combined gross receipts with his spouse of less than twelve thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses, and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of twenty thousand dollars, or if married, not in excess of twenty-three thousand dollars, provided that real property occupied as his domicile shall not be included in computing the whole estate except for any portion of said property which produces income. In the case of real property owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an exemption of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due; provided: (A) that no exemption shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than ten thousand dollars or, if married, the combined gross receipts from all sources whatsoever of each joint tenant or tenant in common and his spouse is less than twelve thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses, and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (B) that the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant or tenant in common and his spouse does not exceed twenty-three thousand dollars, provided that real property occupied as their domicile shall not be included in computing the whole estate except for any portion of said property which produces income. No proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Household furnishings and property already exempt under the twelfth, twentieth, thirty-first, and thirty-fifth clauses of this section shall not be included in computing the whole estate for purposes of this section. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause. This clause shall take effect upon its acceptance by any city or town. In those cities and towns which accept the provisions of this clause, the provisions of clause Forty-first shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns

for taxes abated under this clause and clause Forty-first shall be distributed as provided in said clause Forty-first.

Forty-first C, Real property, to the amount of four thousand dollars of taxable valuation or the sum of five hundred dollars, whichever would amount in an exemption of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years, (2) has so owned and occupied such real property or other real property in the commonwealth for five years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the commonwealth five years and who otherwise qualified under this clause; (B) that such person had, in the preceding year gross receipts from all sources of less than thirteen thousand dollars, or if married, combined gross receipts with his spouse of less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of twenty-eight thousand dollars, or if married, not in excess of thirty thousand dollars, provided that real property occupied as his domicile shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may adjust the following factors contained in these provisions by: 1) reducing the requisite age of eligibility to any person age 65 years or older; 2) increasing either or both of the amounts contained in the first sentence of this clause, by not more than 100 per cent; 3) increasing the amounts contained in subclause (B) of said first sentence whenever they appear in said subclause from \$13,000 to not more than \$20,000 and from \$15,000 dollars to not more than \$30,000; 4) increasing the amounts contained in subclause (C) of said first sentence whenever they appear in said subclause from \$28,000 dollars to not more than \$40,000 and from \$30,000 to not more than \$55,000; and 5) by further excluding from the determination of whole estate up to 3 dwelling units. In the case of real property owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an exemption of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due, provided: (A) that no exemption shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than thirteen thousand dollars or, if married, the combined gross receipts from all sources whatsoever, of each joint tenant or tenant in common and his spouse is less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from an annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such receipts, an amount equivalent to the minimum payment then payable under said federal social

security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (B) that the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty-eight thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant or tenant in common and his spouse does not exceed thirty thousand dollars, provided that real property occupied as their domicile shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. No proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Household furnishings and property already exempt under the clauses Twelfth, Twentieth, Thirty-first, and Thirty-fifth shall not be included in computing the whole estate for purposes of this section. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause. This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal years commencing on or after July first, nineteen hundred and eighty-six, or for fiscal years commencing on or after such later July first as the city or town may elect. In those cities and towns which accept the provisions of this clause, the provisions of clause Forty-first and Forty-first B shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first and clause Forty-first B shall be distributed as provided in said clause Forty-first.

Forty-first C1/2, Real property, of an amount equal to 5 per cent of the average assessed value of all Class one parcels within the city or town of the principal residence of a taxpayer as used by the taxpayer for income tax purposes of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by the person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought and occupied by them as their domicile, or of a person who has reached his seventieth birthday before the beginning of the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile if: (A) the person: (1) has been domiciled in the commonwealth for the preceding 10 years; (2) has owned and occupied the real property or other real property in the commonwealth for 5 years, or (3) is a surviving spouse who inherits the real property and has occupied this real property in the commonwealth for 5 years and who otherwise qualified under this clause; and (B) the taxpayer's gross receipts from all sources do not exceed the dollar amount calculated to be the income limits on a taxpayer's total income for a single individual who is not the head of a household for the purposes of paragraph (3) of subsection (k) of section 6 of chapter 62 for the most recently completed state tax year, as determined by the commissioner of revenue.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) increasing the amount of the exemption to as much as 20 per cent of the average assessed value of all Class one parcels within the city or town; (2) reducing the requisite age of eligibility to any person age 65 years or older; and (3) reducing the residency requirements to not less than 5 years; and (4) utilizing income limits on a household basis rather than on a single applicant basis for real estate tax exemptions.

This clause shall take effect in any city or town that votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2006. The question appearing on the official ballot shall be in the following form:

"Shall section ___ of the acts of ___ granting real estate property tax reductions to qualifying senior citizens be accepted?"

If a majority of the votes cast in answer to this question is in the affirmative, the clause shall take effect, but not otherwise.

In those cities and towns that accept this clause, clauses Forty-first, Forty-first B and Forty-first C shall not apply but any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first, clause Forty-first B and clause Forty-first C shall be distributed as provided in said clause Forty-first.

Forty-first D, The amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B and Forty-first C, shall be increased annually by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year. The department of revenue shall annually inform each city or town that accepts this clause of the amount of this increase. This clause shall take effect in a city or town upon its acceptance by such city or town. Acceptance of this clause by a city or town shall not increase its reimbursement by the commonwealth under this section.

Forty-second, Real estate of the surviving spouse, until remarried, of a police officer or firefighter killed in the line of duty as such police officer or firefighter; provided that such real estate is owned, and occupied by such surviving spouse as a domicile, and provided, further, that no real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse to evade taxation.

Forty-third, Real estate of the surviving minor children, including adopted children, of a police officer or firefighter killed in the line of duty as such police officer or firefighter; provided that such real estate is owned and occupied by such children as their domicile, and provided, further, that no real estate shall be so exempt which the assessors shall adjudge has been conveyed to such children to evade taxation.

Forty-fourth, Any structure, building, device, appliance, machinery, equipment or other property, whether consisting of real or tangible personal property, or a combination of both, which is constructed, installed or placed in operation, in whole or in part, for the purpose of eliminating industrial waste or reducing such waste to a level of toxicity that is not injurious to fish, fowl, animal life or aquatic vegetation and thereby abating or preventing the pollution of the waters of the commonwealth or for the purpose of abating, preventing or eliminating industrial pollution of the atmosphere of the commonwealth. This exemption shall apply to facilities for the treatment, neutralization or stabilization of industrial waste or industrial air pollution from a point immediately preceding the point of such treatment, neutralization or stabilization to the point of disposal, including the necessary pumping and transmitting facilities, but excluding such facilities installed for the primary purpose of salvaging materials which are usable in the manufacturing process or are marketable. The term "industrial waste" and the term "industrial air pollution", as used in this section, shall mean any liquid, gaseous, solid or waste substance, or a combination thereof, resulting from any process of industry, manufacture, trade or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters or the atmosphere of the commonwealth.

If any such structure, building, device, appliance, machinery, equipment or other property is used solely and in its entirety for the elimination or control of water or air pollution, the exemption granted hereunder shall be total; if, however, only a portion of such structure, building, device, appliance, machinery, equipment or other property is used for the elimination or control of water or air pollution, the exemption shall be prorated as follows: for structures and buildings, the ratio which the area or volume, as applicable, thereof used solely for pollution control bears to the entire area or volume; for devices, appliances, machinery, equipment or other property, the ratio which the operating time devoted solely to pollution control bears to the total operating time.

No exemption shall be granted under this clause unless the department of environmental protection certifies to the assessors of the city or town involved that such structure, building, device, appliance, machinery, equipment or other property is effective in eliminating or reducing pollution to an acceptable level. No exemption shall be granted under this clause to any hazardous waste facility sited under the provisions of said chapter twenty-one D, which is maintained principally for the treatment of hazardous waste produced by other persons and transported to the facility for treatment and disposal.

[Clause Forty-fifth effective until June 24, 2021. For text effective June 24, 2021, see below.]

Forty-fifth, Any solar or wind powered system or device which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying the energy needs of property taxable under this chapter; provided, however, that the exemption under this clause shall be allowed only for a period of twenty years from the date of the installation of such system or device.

[Clause Forty-fifth as amended by 2021, 8, Sec. 61 effective June 24, 2021. See 2021, 8, Sec. 114. For text effective until June 24, 2021, see above.]

Forty-fifth, An owned or leased solar powered system, wind powered system or a solar or wind powered system that is co-located with an energy storage system, as defined in section 1 of chapter 164, that is: (i) capable of producing not more than 125 per cent of the annual electricity needs of the real property upon which it is located; provided, however, that the real property shall include both contiguous or non-contiguous real property within the same municipality in which there is a common ownership interest; (ii) a solar or wind powered system or a solar or wind powered system that is co-located with energy storage that is equal to or less than 25 kilowatts or less in capacity, provided that the capacity of the system is verified by department of energy resources incentive program documentation or electric distribution company permission to operate documentation; or (iii) a solar or wind powered system or energy storage system, or a combination therein, that has entered into an agreement for payment in lieu of taxes associated with the system with the municipality where the system is located. The exemption under this clause shall be allowed for a period of 20 years; provided, however, that upon a written agreement between the owner of the solar or wind powered system and the municipality where the system is located, an exemption with a period greater than 20 years may be allowed.

For purposes of this clause, an agreement for payment in lieu of taxes associated with the system shall include all personal property taxes on the system and any real property taxes attributable to the system and those taxes associated with the land on which the system is located, provided the land and the system are in common ownership. In cases in which the system and land are not in common ownership, only the personal property taxes attributable to the system shall be included in the agreement. A municipality, acting through its authorized officer, may execute an agreement for the payment in lieu of taxes with the owner of a solar, wind or storage powered system in the municipality where the solar or wind powered system is located.

This clause shall not apply to: (i) solar powered systems developed under section 1A of said chapter 164 or (ii) solar, wind, or energy storage systems otherwise owned by distribution or electric companies as defined under said section 1 of said chapter 164.

Forty-fifth A, Any hydropower facility, the construction of which was commenced after January first, nineteen hundred and seventy-nine; provided, however, that the exemption under this clause shall be allowed only for a period of twenty years from the date of completion of the construction of such facility; and provided further, that such facility shall be exempt only if the owner thereof has entered into an agreement with the city or town, wherein it is located, to make a payment in lieu of taxes which shall be at least five per cent of its gross income in the preceding calendar year. For the purposes of this clause, hydropower facility shall mean any real property used in the production of energy from the water power of an existing dam, including land, all rights, easements and other

interests appurtenant thereto, excluding transmission lines from such facilities, and all buildings and other improvements situated thereon, and any personal property situated upon such real property.

[Clause Forty-fifth B inserted by 2021, 8, Sec. 62 effective June 24, 2021. See 2021, 8, Sec. 114.]

Forty-fifth B, Any qualified fuel cell powered system, the construction of which was commenced after January 1, 2020, that is capable of producing not more than 125 per cent of the annual energy needs of the real property upon which it is located. All other qualified fuel cell powered systems shall be taxable under the same conditions provided in clause Forty-fifth. For the purposes of this clause, "qualified fuel cell powered system" shall mean an integrated system comprised of a fuel cell stack assembly and associated components that converts fuel into electricity without combustion and is being utilized as the primary or auxiliary power system for the real property upon which it is located, which shall include contiguous or non-contiguous real property owned or leased by the owner, or in which the owner otherwise holds an interest.

Forty-sixth, Real estate, owned by an economic development corporation whose purpose is to retain and expand job opportunities and which is organized under chapter one hundred and eighty, from the date of said real estate's acquisition until such real property is leased, rented, or otherwise disposed of; provided said exemption for such real property should not extend beyond a total period of seven years; and provided, further, that if the whole or any part of any such real estate is used for other than the purpose of said corporation and derives any income from such use, such real estate or part thereof, as the case may be, shall not be exempt.

Forty-seventh, Real property subject to taxation under section ten of chapter one hundred and twenty-one A.

Forty-eighth, Land classified under chapter sixty-one B, except from taxes provided for in said chapter.

Forty-ninth, Land classified under chapter sixty-one A, except from taxes provided for in said chapter.

Fiftieth, the increased value of residential real property as a result of alterations or improvements thereto, not to exceed five hundred dollars of taxes due; provided, however, that said alterations or improvements are made to provide housing for a person who is at least sixty years old and who is not the owner of the premises; provided further, that any such alterations or improvements must be made to a house, consisting of no more than three units prior to such alterations or improvements and which is owned and occupied by the applicant as his domicile; and provided, further, that the applicant shall annually furnish to the assessors a statement under oath that the alterations or improvements were made to provide housing for a person who is at least sixty years old. This exemption shall terminate when the premises are no longer occupied by any such elderly person. No person shall receive more than one exemption under the provisions of this clause in any fiscal year. This clause shall take effect upon its acceptance by any city or town and shall apply only to alterations or improvements made on or after the date of such acceptance by such city or town.

Fifty-first, the value of a parcel of real property which is included within an executed agreement under clause (v) of section 59, clause (v) of subsection (a) of section 60 or clause (iv) of subsection (a) of section 60A of chapter 40, and the value of personal property situated on that parcel, but taxes on real and personal property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under section 59, section 60 or section 60A of chapter 40, and this exemption shall be for a term not longer than the period specified for the exemption in the agreement. The amount of the exemption under this clause for a parcel of real property shall be the exemption percentage adopted under clause (iii) of section 59, subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the amount by which the parcel's value exceeds the product of its assessed value for the last fiscal year before it became eligible for exemption under this clause multiplied by the adjustment factor determined under said section 59,

section 60 or section 60A of said chapter 40. The amount of the exemption under this clause for personal property shall be the exemption percentage adopted under clause (iii) of section 59, subsection (a) of section 60 or of section 60A of said chapter 40 multiplied by the fair cash valuation of the personal property. Taxes on property eligible for exemption under this clause shall be assessed only on that portion of the value of the property that is not exempt under this clause.

Fifty-second. (a) Notwithstanding any other provision of this section, any elderly homeowner who meets the criteria described in subsection (c) shall receive an abatement of an amount equal to the difference between any increase in property taxes attributable to the provisions of paragraph (n) of section twenty-one C and the amount by which the applicant's water and sewer bill would be higher if the amount of said increase in property taxes were recovered in water and sewer charges, which difference shall be calculated by the board or officer responsible for fixing water and sewer charges, and certified to the board of assessors; provided, however, that said abatement shall not be greater than two hundred dollars.

(b) The commonwealth shall annually appropriate the amount necessary fully to reimburse cities and towns for taxes abated under this clause. Subject to said appropriation, the commissioner of revenue shall distribute to each city and town its full reimbursement amount based on the number and amount of such abatements granted.

(c) The criteria for eligibility for this abatement shall be as follows. The property for which the abatement is sought must be owned by a person sixty-five years of age or over and occupied by him as his domicile, or owned jointly with his spouse, either of whom is sixty five years of age or over, and occupied as their domicile, or by a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile. No abatement shall be granted unless said owner had, in the preceding year, gross receipts from all sources of less than fifteen thousand dollars, or, if married, combined gross receipts of less than eighteen thousand dollars; provided, however, that in computing the gross receipts of an applicant under this clause, ordinary business expenses and losses may be deducted, but not personal or family expenses; provided, further, that no abatement shall be granted unless in the preceding year, such owner had a whole estate, real and personal, not in excess of twenty thousand dollars, or, if married, a combined estate not in excess of twenty-five thousand dollars, provided that real property occupied as his domicile shall not be included in computing the whole estate except for any portion of said property which produces income. In the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of the amount described in subsection (a) which the amount of his interest in the property bears to the whole value of the property; provided that no abatement shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than fifteen thousand dollars, or, if married, the combined gross receipts from all sources whatsoever of each joint tenant or tenant in common and his spouse is less than eighteen thousand dollars and unless the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant in common with his spouse does not exceed twenty-five thousand dollars; and provided, further, that no proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Notwithstanding any provision of this section, or any other general or special law to the contrary, this abatement shall be available in addition to any other abatement which a homeowner may receive.

Fifty-third. Residential real estate that uses a septic system or cesspool and is not connected to the municipal sewer system in a city or town that has accepted the provisions of paragraph (n) of section twenty-one C shall receive an exemption equal to the difference between any increase in property taxes attributable to the provisions of said paragraph (n) and the amount by which the water bills for the property would have been higher if the amount of said increase in property taxes were recovered in water charges, which difference shall be calculated by the board or officer responsible for fixing

water and sewer charges and certified to the board of assessors, provided that said exemption shall not exceed three hundred dollars. Notwithstanding any other provisions of this section, an owner eligible for another exemption under this section may receive an exemption under this clause in addition to such other exemption. This clause shall take effect in any city or town upon its acceptance.

Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body.

Fifty-fifth. With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant to a proprietary lease as the member's domicile shall be deemed to be real property owned by such member for the purposes of this section, provided, that such portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for any exemption provided in this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this clause 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. This clause shall take effect in a city or town upon its acceptance by the city or town.

Fifty-sixth. Upon the acceptance of this section by a city or town, the board of assessors may grant, real and personal property tax abatement up to 100 per cent of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors.

The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town.

Fifty-seventh. Upon the acceptance of this section by a city or town, the board of assessors may appropriate monies for and grant property tax rebates in an amount not to exceed annually the amount of the income tax credit set forth under subsection (k) of section 6 of chapter 62.

Fifty-eighth. Taxes on the value of a parcel of real property which is included within an executed agreement under section 60B of chapter 40 shall be assessed only on that portion of the value of the property that is not exempt under that section. This exemption shall be for a term not longer than the period specified in the executed agreement entered into pursuant to said section 60B of said chapter 40. The amount of the exemption under this clause for a parcel of real property shall be the exemption percentage adopted under said section 60B of said chapter 40, multiplied by the actual assessed valuation of the parcel.

ARTICLE # : 22

To see if the town will vote to amend the Town of Holland Zoning Bylaws Section 7C, MEDICAL/ADULT USE MARIJUANA as follows:

3. Amend section **7C.04, d.1 Location and Physical Requirements:** by replacing the strikethrough text with the bolded text as follows:

*"The Town must ensure this By-Law **7C.04** including but not limited to **7C.04,1 and 7C.04 (e)(5)** is applied consistent with applicable statutes and regulations including and without limitation MGL 94I, MGL 94G, and 935 CMR 500.000, 935 CMR 500.00 and 935CMR 500.002 as promulgated By the Cannabis Control Commission and as amended or updated from time to time". No Medical Marijuana Treatment Center or Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center or Marijuana Establishment structure is or will be located **geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance)** of a parcel, occupied at the time the Applicant's license application was received by the Cannabis Control Commission, by any of the following:*

4. Remove paragraph **7C.04, f.2.(e)**

5. Amend Section **7C.04, c.** to include the a new sentence after the second sentence as follows, "The limitation in this subsection shall not apply to lots equal to or greater than 35 acres."

8. Amend section **7C.04, d. 2.** to remove the second sentence, which states, "Open air cultivation shall be prohibited." .

9. Amend section **7C.04, d. 3..** By adding the bolded language as follows, "No Medical Marijuana Treatment center or Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels or dormitories;

provided, however that this restriction shall not apply to Licensed Marijuana Research Facilities.”.

10. Amend section **7C.04**, e. 2. By adding a new sentence after the second sentence as follows, “Marijuana Research Facilities shall be exempt from this prohibition.
11. Amend section **7C.04**, f. 2. (a) iii. to remove the words, “and no Marijuana establishment will be allowed to erect more than five (5) enclosed structures”
12. Amend Section 7C.04.d Location and Physical Requirements: Add the following sections after Paragraph 5
 - (6) Expert Review of Marijuana Establishments Special Permits: In reviewing applications for Marijuana Establishments special permits the Planning Board reserves the right to hire an independent consultant(s) with experience in evaluating marijuana establishments or similar facilities on behalf of municipalities and whose services shall be paid for by the applicant(s).
 - (7) Waste Management: Marijuana Establishments shall compost organic waste composed of or containing marijuana and marijuana products in accordance with applicable regulations of the Cannabis Control Commission, including, but not limited to 935 CMR 500.105(12). A waste management plan identifying all waste streams and method of disposal shall be submitted to the Planning Board for review.
 - (8) Nuisance: No use shall be allowed at a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
 - (9) Water management plans should be included in applications to include stormwater, irrigation, irrigation process runoff, water reclamation, and water reuse. Plans should include estimated water usages with estimated mass balances where applicable.
 - (10) Indoor Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities, shall abide by the following development standards.
 - a. Odor Control and Mitigation: A detailed plan to control and mitigate odors or emissions of any kind from exiting the proposed facility, using the Best Available Technology must be submitted. The plan must include Design and

Specifications of all filtration technologies and equipment proposed to be implemented along with an action plan addressing the response to any emissions that may occur during the operation of the facility. If at any time during the ongoing operations of a duly licensed facility emissions or odors occur, the marijuana establishment will immediately correct such condition and inform the permit granting authority in writing of the measures taken to mitigate.

- b. Renewable Energy Requirements: Applicants shall be required to integrate renewable energy technology to provide a portion of the energy needs of the facility. The Planning Board may modify or waive this requirement based on applicants estimated site energy usage, site conditions or other considerations.

(11) Outdoor Marijuana Cultivators, shall abide by the following development standards.

- (a) Screening: All secure area fencing as required by the Massachusetts Cannabis Control Commission shall be screened from the public way and neighboring properties by site appropriate native vegetation. Vegetation shall be at 90% opacity and equal to the height of fencing within three years of planting. Any razor or barbed wire on required security shall not be visible from the public way or abutting property. All applicants shall submit a screening plan. The Planning Board may waive this requirement if topography or other site considerations produce adequate screening.
- (b) Lighting: All Outdoor Marijuana Cultivators shall meet the security requirements of 935 CMR 500 without the use of overnight visible outdoor lighting. Visible lighting on site shall be limited to that necessary to provide safe egress from buildings and parking as required by the Massachusetts State Building Code and/or the Cannabis Control Commission. All applicants shall submit a lighting plan to the Planning Board as part of their application.
- (c) Odor Dispersal Plan: All Outdoor Marijuana Cultivators shall utilize Best Available Technology which may include vegetative buffers to mitigate cannabis plant odors. Applicants shall submit a detailed odor dispersal plan to the Planning Board as part of their application.

Docks and Mooring

Section 11.1 PURPOSE & AUTHORITY

- 11.1.1 This Chapter is established to preserve the right to use the Hamilton Reservoir while protecting and fostering the natural, scenic and aesthetic qualities of the environment. To ensure a uniform and coordinated regulatory approach the provisions of this Bylaw are based upon principles found in the laws and regulations of the Commonwealth of Massachusetts.
- 11.1.2 The Board of Selectmen shall appoint a Dock Commissioner to administer the procedures of this Chapter. Each term of appointment shall not exceed three (3) consecutive years and the Board may set a salary for the Commissioner that is commensurate with the responsibilities of the position.

Section 11.2 DEFINITIONS

- 11.2.1 Person- any individual, partnership, trust, firm, corporation, association, commission, district, department, board, municipality, or quasi-public agency or authority.
- 11.2.2 Vessel- watercraft of every description that is used or capable of being used as a means of transportation on water, whether in motion or at rest.
- 11.2.3 Waterway- any area of water and associated submerged land below the high water line.
- 11.2.4 Waterfront Lot- any parcel of land that directly borders the waterway of the Hamilton Reservoir. For purposes of this Chapter, an abutting lot shall mean the waterfront lot that directly borders the area of the waterway in which a structure is placed, and an adjoining lot is any waterfront lot that is directly adjacent to the abutting lot.
- 11.2.5 High Water Line- the convergence of the land of any waterfront lot with the waterway at a time when the water is at the dam's spillway level. For purposes of this Chapter, the high water line span shall mean the parallel distance of the boundary where the waterfront lot and the high water line intersect.
- 11.2.6 Structure- any manufactured object or a combination of objects that are intended to remain in place in, on, over, or under waterways. For purposes of this Chapter, a structure shall include any permanent or seasonally fixed dock, mooring, pier, wharf, jetty, ramp, piling, float, raft, buoy, and anchor, regardless of size.
- 11.2.7 Channel- a navigable route for the passage of vessels established by customary use or under the authority of federal, state, or municipal law.
- 11.2.8 Mooring- any fixed object to which a chain, rope, line, or other suitable restraining devices may be attached for purposes of securing a vessel or structure to prevent it from becoming adrift. Mooring may also refer to the action of securing such vessel or structure. For purposes of this Chapter, mooring shall include securing by use of a permanent or removable anchor.
- 11.2.9 Dock- a structure extending from the edge of land into the waterway that is commonly used as a walkway and may be suitable as a mooring place for a vessel. For purposes of this Chapter, a dock shall include any permanent or seasonally fixed dock.

Section 11.3 GENERAL GUIDELINES

- 11.3.1 No person shall place or install a dock, mooring, or other fixed structure in, on, over, or under the waterway of the Hamilton Reservoir without first obtaining a permit from the Dock Commissioner.
- 11.3.2 A standard of equitable use of the waterway between and among waterfront lots shall apply to the placement of all docks, moorings, and other fixed structures.
- 11.3.3 No provision of this Chapter shall modify or be a substitute for any rule, regulation, filing requirement, or order of condition promulgated by any federal, state, or local authority.
- 11.3.4 This Chapter shall not invalidate, nullify, or override any condition within the purview of the Wetlands Protection Act, the Massachusetts Department of Environmental Protection, or local conservation authorities.
- 11.3.5 This Chapter shall not supersede or replace any requirement of G.L. c. 91, c. 131, 310 CMR 9.00, or any other statute pertaining.
- 11.3.6 Neither the Dock Commissioner nor the Town of Holland shall be held responsible for any injury or loss, caused by, or caused to, any land, property, vessel, dock, mooring, or other structure.

Section 11.4 DOCK COMMISSIONER AND PERMITTING

- 11.4.1 The Dock Commissioner shall be responsible to the Board of Selectmen. By using the provisions contained in this Chapter, the Commissioner shall approve areas in the waterway of Hamilton Reservoir for the purpose of placing a dock, mooring, or other fixed structure.
- 11.4.2 Permission to place a dock, mooring, or other fixed structure shall be attained by filing a written notice of intent with the Commissioner. Each notice shall contain the date submitted, the petitioner's name, and mailing address, and shall describe the use and dimensions of the proposed structure. Each notice shall depict the area of the waterway in which the structure is intended to be placed by indicating the address of the abutting waterfront lot and the name of the owner or person in lawful control of that lot.
- 11.4.3 Any dock, mooring, or other fixed structure that is placed or maintained by a person other than the owner or person in lawful control of the abutting waterfront lot shall have an agreement in place with the owner or person in lawful control of that lot and such agreement shall be submitted in writing as part of the notice of intent.
- 11.4.4 The Commissioner shall consider the configuration and positioning of the proposed structure in relation to the abutting waterfront lot and the convergence of boundaries defining all directly adjoining waterfront lots to ensure that the structure does not unreasonably protrude beyond the abutting lots high water line span and to ensure that the structure does not unreasonably obstruct public use of the waterway.
- 11.4.5 It shall be understood that lines of property ownership, confirmation of titles to land, and easement rights, are matters to be determined by a court exclusively. Although the petitioner may submit maps, surveys, and data pertaining to deeds as part of their notice, the Commissioner shall only be expected to determine boundaries by approximation. The Commissioner shall not be expected to interpret ownership of property or property rights.
- 11.4.6 The Commissioner shall permit the placement of all docks, moorings, and other fixed structures that comply with the provisions of this Chapter, provided that, they are placed in the area the Commissioner approves.
- 11.4.7 The Commissioner shall provide the petitioner with a written decision within thirty (30) days of receiving the notice of intent and shall retain all notices and decisions on file as a matter of record.

- 11.4.8 The Commissioner shall be authorized to physically inspect any portion of the waterway, as well as any dock, mooring, or other fixed structure to designate a location, and to ensure compliance with the provisions of this Chapter.
- 11.4.9 The Commissioner shall be authorized to modify or revoke approval of a previously permitted or exempted structure as a result of the sale, transfer, or other conveyance of any portion of a waterfront lot, or as a result of the adjudication of boundary lines by a court if such change causes the structure to become non-compliant with the provisions of this Chapter.

Section 11.5 REGULATIONS

- 11.5.1 No dock, mooring, or other fixed structure shall be installed permanently.
- 11.5.2 No dock, mooring, or other fixed structure, or a combination thereof shall be situated in a manner that causes any portion of the waterway to be surrounded or enclosed.
- 11.5.3 No dock that is situated perpendicular to the high water line shall exceed fifty (50) feet in length or one-third the distance to the opposite shore, whichever is less.
- 11.5.4 No dock, mooring, or other fixed structure shall be placed or extend more than fifty (50) feet from the high water line of the abutting waterfront lot.
- 11.5.5 No waterfront lot owner shall place or cause to be placed more than three (3) structures simultaneously.
- 11.5.6 No vessel in mooring, dock, mooring, or other fixed structure shall be placed or maintained for use in any portion of the waterway in a manner that prevents access to the waterway by a person who has easement rights thereto.
- 11.5.7 No dock, mooring, or other fixed structure shall be placed or maintained for use in the waterway abutting a public or town-owned waterfront lot.
- 11.5.8 No dock, mooring, or other fixed structure shall be placed or maintained for commercial use.
- 11.5.9 No vessel in mooring, dock, mooring, or other fixed structure, shall remain in or upon the waterway between the dates of October 31 to April 1.
- 11.5.10 Each dock, mooring, and other fixed structure shall display the property address of the abutting waterfront lot in a manner that is permanent and easily visible from the waterway with lettering a minimum height of three (3) inches.
- 11.5.11 Any substantial structural alteration or change in use of an existing dock, mooring, or other fixed structure shall require written approval from the Commissioner.

Section 11.6 ENFORCEMENT

- 11.6.1 The Commissioner shall be authorized to issue a fine by way of a non-criminal disposition in accordance with G.L. c. 40 § 21D to the owner or person in lawful control of any dock, mooring, or other fixed structure that violates any guideline or regulation of this Chapter.
- 11.6.2 The Commissioner shall make and deliver by certified mail and return receipt, a written notice of violation to the owner or person in lawful control of any dock, mooring, or other fixed structure that does not comply with the provisions of this Chapter. The owner or person in lawful control shall be granted ten (10) calendar days from

receipt of that notice to comply or remove the structure at their own expense. If compliance is not attained, or the structure is not removed, the Commissioner may issue a fine in the amount of \$25.00 beginning on the 11th calendar day after the date of receipt of that notice to the owner or person in lawful control. If the violation continues, each calendar day after the first fine is issued shall constitute a subsequent offense and the Commissioner may issue a fine in the amount of \$100.00 for a second offense, and \$300.00 for a third offense. If compliance is not attained within fourteen (14) calendar days of receipt of the notice, the Commissioner may order the removal of the structure at the expense of the owner or person in lawful control.

- 11.6.3 The Commissioner may order the immediate removal of any dock, mooring, or other fixed structure that the Commissioner deems dilapidated, hazardous, unsafe, or abandoned, at the expense of the owner or person in lawful control. The Commissioner may issue a fine, pursuant to G.L. c. 40 s 21D, in the amount of \$25.00 beginning on the 1st calendar day after the date that order to the owner or person in lawful control. If the violation continues, each calendar day after the first fine is issued shall constitute a subsequent offense and the Commissioner may issue a fine in the amount of \$100.00 for a second offense, and \$300.00 for a third offense.
- 11.6.4 Notwithstanding a written notice of violation, beginning on November 1, the Commissioner may issue a fine in the amount of \$25.00 to the owner or person in lawful control of any vessel in mooring, dock, mooring, or other fixed structure that has not been removed from the waterway between the dates of October 31 to April 1. If the violation continues, each calendar day after the first fine is issued shall constitute a subsequent offense and the Commissioner may issue a fine in the amount of \$100.00 for a second offense, and \$300.00 for a third offense.

Section 11.7 EXEMPTIONS

11.7.1 These provisions shall not apply to:

1. Vessels that are in motion, or temporarily in mooring or anchored for purposes of recreational use, provided that, the vessel is occupied by or under the direct control of a suitable person.
2. Objects utilized as safety indicators for persons who are diving and swimming, provided that, such object is not permanent or seasonally fixed, and the person is diving or swimming.
3. A buoy, float, or other device that is installed to indicate a navigational hazard such as rocks, debris, shoals, or a significant change in gradient.
4. Any public or town-owned structure, provided that, such structure is authorized by the Board of Selectmen.
5. Municipal, state, and federal personnel who are engaged in the performance of their duties during situations that require a deviation from this Bylaw to safely and successfully complete their mission.

- 11.7.2 These provisions shall not override or nullify any guideline, rule, regulation, restriction, or exemption of c. 12, Recreation Use of Inland Waters.
- 11.7.3 Any dock, mooring, or other fixed structure that is removed for repair or replacement, or removed seasonally, shall not require permission from the Commissioner before reinstallation, provided that, the dimensions and use have not changed, and the structure is placed in the same area the Commissioner previously approved.
- 11.7.4 Any dock, mooring, or other fixed structure that was permanently installed after being permitted by Conservation authorities prior to the 2022 amendment of this Chapter shall be exempt from the requirement that no dock, mooring, or other fixed structure shall be installed permanently, provided that, if such structure is replaced, it shall be replaced with a structure that allows for seasonal removal.
- 11.7.5 Any dock, mooring, or other fixed structure that was permanently installed after being permitted by Conservation authorities prior to the 2022 amendment of this Chapter shall be excluded from the removal requirement between the dates of October 31 to April 1.

- 11.7.6 The owner or person in lawful control of any dock, mooring, or other fixed structure that was placed prior to the 2022 amendment of this Chapter shall not be required to retroactively comply with the requirement to file a written notice of intent, provided that, the Commissioner shall be authorized to approve or reject the existing location and structure. If rejected, the Commissioner may subsequently grant approval by adding orders of modification pertaining to the area it is placed or the existing structure. If rejected, the Commissioner shall make and deliver by certified mail and return receipt, a written notice of rejection to the owner or person in lawful control. The owner or person in lawful control shall be granted ten (10) calendar days from receipt of that notice to comply or remove the structure at their own expense. If compliance is not attained, or the structure is not removed, the Commissioner may issue a fine in the amount of \$25.00 beginning on the 11th calendar day after the date of receipt of that notice to the owner or person in lawful control. If the violation continues, each calendar day after the first fine is issued shall constitute a subsequent offense and the Commissioner may issue a fine in the amount of \$100.00 for a second offense, and \$300.00 for a third offense. If compliance is not attained within fourteen (14) calendar days of receipt of the notice, the Commissioner may order the removal of the structure at the expense of the owner or person in lawful control.
- 11.7.7 An appeal to place or maintain a dock, mooring, or other fixed structure for commercial use, abutting a public or town-owned waterfront lot, or more than fifty (50) feet from the high water line of the abutting waterfront lot, may be submitted to the Board of Selectmen by the owner or person in lawful control.
- 11.7.8 An appeal to modify dock dimensions may be submitted to the Board of Selectmen by the owner or person in lawful control, provided that, enforcement of such regulation will unfairly restrict the applicant's equitable use of the waterway because vessel dimensions, the depth of water, natural obstacles, or the gradient of the area will prevent successful placement or safe mooring. If a modification is permitted the dimensions shall not exceed that which allows for successful placement and safe mooring.
- 11.7.9 The owner or person in lawful control of a non-compliant structure may submit an appeal to the Board of Selectmen to continue to maintain such structure as constituted, provided that, the structure was installed prior to the 2022 amendment of this Chapter, and if the structure was installed permanently, the structure was permitted by conservation authorities.
- 11.7.10 Appeals shall be submitted in writing to the Board of Selectmen, and shall include the address of the abutting waterfront lot, and the address of all directly adjoining waterfront lots. Any dock, mooring, or other fixed structure that is placed or maintained by a person other than the owner or person in lawful control of the abutting waterfront lot shall have an agreement in place with the owner or person in lawful control of that lot and such agreement shall be submitted in writing. Appeals shall be heard at an open meeting of the Board of Selectmen, provided that, such meeting is held at least fourteen (14) calendar days after the appeal has been received.
- 11.7.11 In ruling upon appeals, the Board shall consider the provisions in this Chapter, the configuration and positioning of the proposed structure in relation to the abutting waterfront lot, and the convergence of boundaries defining all directly adjoining waterfront lots to ensure that the structure does not unreasonably protrude beyond the abutting lots high water line span, does not unreasonably obstruct public use of the waterway, and does not prevent those who have easement rights from accessing the waterway.

Section 11.8 ADOPTION OF REGULATION TO IMPLEMENT THIS BYLAW

- 11.8.1 The Board of Selectmen is authorized to adopt regulations for the implementation of this Bylaw.