

M.G.L. Chapter 59, section 5 Clause 56 was accepted at Annual Town Meeting June 18, 2011, Article 14. The exemption is effective Fiscal Year 12.

Clause 56 of G.L. c. 59, § 5 allows members of the Massachusetts National Guard or military reservists who are on active duty to obtain a reduction of all or part of their real and personal property taxes for any fiscal year they are serving in a foreign country.

Clause 56 exemption is discretionary with the assessors. They establish the eligibility criteria and determine the amount, if any, of relief.

The Town of Hardwick Board of Assessors has established the following requirements to qualify for Clause 56 exemption:

To obtain a reduction of real estate taxes under Clause 56, a guard member or reservist must own the property as of the July 1 beginning of the fiscal year for which the relief is sought. G.L. c. 59, § 5, first paragraph. The guard member or reservist must be the assessed owner of the personal property for that year's taxes to be reduced. G.L. c. 59, § 18.

The taxpayer must be on active duty, be serving under Title 10 orders (mandatory or volunteer status), drawing Hostile Fire and/or Separation pay, be able to provide a copy of certified orders and a completed travel voucher, provide a copy of pay stubs while deployed, and provide a letter of deployment dates signed by the Unit Commander.

Assessors may grant a full or partial reduction of taxes. However, a partial reduction cannot be further increased by local adoption of the additional exemption under St. 1986, c. 73, § 3, or result in a tax of less than 10% of the assessed tax. G.L. c. 59, § 5C.

The Town of Hardwick Board of Assessors has established the following reduction:

Following acceptance of the taxpayer's application, the entire fiscal year's tax bill will be prorated by monthly increments corresponding to months of deployment which have met the above prerequisites. Each month of deployment will result in a month of real estate or personal property tax exemption.

The taxpayer must apply to the board of assessors each fiscal year for which a reduction is sought. Each year's application is due on or before the due date of the first actual tax installment for the year (the abatement deadline). G.L. c. 59, § 59;

A taxpayer must apply for the reduction using a regular abatement application (State Tax Form 128). Because of the discretionary nature of Clause 56, the Appellate Tax Board (ATB) does not have jurisdiction to hear a taxpayer's appeal of the assessors' decision on the application. To obtain a review of the decision, the taxpayer would have to bring a civil action in the Superior Court or Supreme Judicial Court. The action must be brought within 60 days of the decision.

Reductions granted in a taxpayer's taxes under Clause 56 are charged to overlay.

Clause 56 expires two years after acceptance unless it is extended by vote of the community's legislative body. Usually a local acceptance statute is in effect until revoked by the community and revocation cannot take place for at least three years after acceptance. See G.L. c. 4, § 4B.

There is no state reimbursement for exemptions granted under Clause 56. The full cost is borne by The Town of Hardwick.

Eligibility is discretionary with the Assessors to ensure flexibility to address unique situations not stated above.