

**INFORMATION  
FOR  
AMHERST TAXPAYERS**

**From**

**The Board of Assessors**

**Connie Kruger**

**Donald Wise**

**Michael Bell**

**David W. Burgess, Principal Assessor**

**September 1, 2009**

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**Town of Amherst  
Assessor's Office  
Town Hall  
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Amherst, MA. 01002  
(413) 259-3024**

**Dear Property Taxpayer:**

**This booklet is designed to give the Amherst, Massachusetts taxpayer a brief overview of the duties and responsibilities of your Assessor's Office and some information, which might be of interest to you, the taxpayer. It is our belief that taxpayers should be fully aware of how the assessing operations are performed so that they can reassure themselves that they are being treated fairly.**

**Should you ever need or want additional information concerning your assessment or exemptions, or the laws governing them, please contact your Assessor's Office. We are here to help and serve you.**

**Sincerely,**

**Connie Kruger**

**Donald Wise**

**Michael Bell**

**David W. Burgess, Principal Assessor**

## **1. WHAT DOES THE ASSESSOR DO?**

The Assessors are required by Massachusetts Law to list and value all real and personal property. The valuations are subject to ad valorem taxation on the assessment roll each year. The “ad valorem” basis for taxation means that all property should be taxed “according to value”, which is the definition of ad valorem. Assessed values in Massachusetts are based on “full and fair cash value,” or 100 percent of fair market value.

Assessors are required to submit these values to the State Department of Revenue for certification every three years. Our next recertification year will be for Fiscal Year 2012. In the years between certification, Assessors are required to do interim adjustments and maintain the values. The Board of Assessors reviews sales and the market every year and thereby reassesses various areas of the Town each and every year where the need is indicated. This is done so that the property taxpayer pays his or her fair share of the cost of local government, in proportion to the amount of money the property is worth, on a yearly basis rather than every three years.

With the certification of values for Fiscal Year 2009, the Department of Revenue recommended that the Board of Assessors to do a complete remeasure and relisting of all properties in the Town. This will include an internal inspection of all properties in the Town insofar as possible.

The Amherst Assessors Office must appraise and assess approximately 7500 parcels of real estate and 300 personal property accounts. In addition, the Assessors Office administers the Motor Vehicle and Boat Excise taxes.

## **2. WHAT THE ASSESSOR DOES NOT DO**

The Assessor does not raise or lower taxes. The Assessor does not make the laws which affect property owners. Our function is only to follow the Massachusetts Constitution that requires direct taxes on persons be proportionately and reasonably imposed, In addition, the Declaration of Rights, Part I, Article 10, requires each individual to bear his fair share of the public expenses.

The Board of Assessors is required to annually assess taxes in an amount sufficient to cover the State and Local appropriations chargeable to the Town. These taxes assessed will include State and County assessments which have been duly certified to the Board, and Town appropriations voted by the Town Meeting.

The Assessors Office has nothing to do with the total amount of taxes collected. The Assessor’s primary responsibility is to find the “full and fair cash value” of your property, so that you may pay only your fair share of the taxes. The tax rate is determined by all the taxing agencies within the Town, and is the basis for the budget needed to provide services, such as schools, roads, fire, law enforcement, etc... The tax rates are simply those rates which will provide funds to pay for those services.

## **3. WHAT IS PROPOSITION 2 ½?**

Proposition 2 ½ places constraints on the amount of the levy (money raised by taxes) raised by the Town and on how much the levy can be increased from year to year by the Town. It provides the Town with annual increases in their levy limits of: (1) 2.5 percent, and (2) an additional amount based on the valuation of certain new construction and other allowable growth in the tax base that is not the result of property revaluation (“new growth”). In no event may the levy limit exceed the levy ceiling of 2.5 percent of the total full and fair cash value of the Town.

#### **4. HOW IS YOUR ASSESSMENT DETERMINED?**

To arrive at “full and fair cash value” for your property, the Assessors must know what “willing sellers” and “willing buyers” are doing in the market place. The Assessor also must collect, record and analyze a great deal of information about property and market characteristics in order to estimate the fair market value, including keeping current on the cost of construction in the area and any changes in zoning, financing and economic conditions which may affect property values. The Assessor uses the three nationally recognized appraisal approaches to value: cost, income and market. This data is then correlated into a final value.

The object of the revaluation program is to estimate “full and fair cash value” as of January 1 (known as the “assessment date”) prior to the fiscal year that starts on July 1. For example, the assessment date for Fiscal Year 2010 is January 1, 2009 and the Fiscal Year goes from July 1, 2009 through to June 30, 2010.

#### **5. HOW CAN MY TAXES INCREASE?**

When additional appropriations are voted by the Town Meeting members, an individual’s property tax bill may increase. Also, when market value increases, naturally, so does the assessed value. If you were to make improvements to your existing property, for instance: add a garage or add an additional room, the “full and fair cash value” and therefore the assessed value would also increase. The Assessor has not created the value. People make the value by their transactions in the market place. The Assessor simply has the legal and moral responsibility to study those transactions and appraise your property accordingly.

#### **6. WHAT IF I DISAGREE WITH THE ASSESSED VALUE OF MY PROPERTY?**

If your opinion of the value of your property differs from the assessed value, by all means go to the Assessor’s office and collect pertinent data to support your opinion. The Assessing staff will be glad to answer your questions about the reassessment procedures. When questioning the assessed value, ask yourself these questions:

Is my data correct?

Is my value in line with others on the street?

Is my value in line with prior calendar year sale prices in my neighborhood?

Keep in mind what’s important: sale prices of the prior calendar year, condition, neighborhood, building area and lot area are the most critical factors in the valuation process. There is a variety of information available to help you determine whether your assessment is fair and equitable. The Assessors and their staff will be happy to assist you.

If after discussing the matter with the Assessors or their staff, and researching the assessments of comparable properties within your area, a difference of opinion still exists, you may appeal your assessment to the Board of Assessors by filing an abatement application.

#### **7. FILING AN ABATEMENT APPLICATION.**

The Town of Amherst is on quarterly tax bills. The first two bills issued are preliminary tax payments based on your prior year’s taxes. The notice of the third payment, referred to as the “actual tax bill” is when the filing period for abatement applications commences. The third tax bill (actual bill) is usually issued the end of December. The application for abatement must be filed with the Board of Assessors no later than February 1, or have a United States post office postmark of no later than February 1. The information regarding the filing of abatement or exemption applications

is also on your tax bill. The application must be on file in the Assessor's office or have a United States post office post mark as of that date. There is no allowed waiver for late filings.

**Remember:**

**You are appealing your assessment, not your taxes.  
You must pay your taxes pending your appeal.**

**Wish to appeal? The application is easy, but...make a case...give reasons. We do respond to your specific concerns and comparisons.**

**Once the application is time-stamped by the Assessor's Office, it cannot be added to, changed or withdrawn - it is accepted as is, once it is stamped with the date, time and "Received by the Board of Assessors". The Board of Assessors may accept an addendum with additional information and attach it to the application, if necessary.**

**If you have a question, please come in for an application or contact the Assessors Office and an application will be mailed to you. Applications are not available until after the third or actual tax bills are mailed. All applications for abatements and exemptions are now online and can be printed from the computer from the Town's website. [www.amherstma.gov](http://www.amherstma.gov)**

**If Abatement is denied**

**You will receive a notice indicating your application was denied.**

**You may call and set up an appointment to meet with the Principal Assessor to discuss the reason for the denial.**

**Or, you may appeal to the State Appellate Tax Board (ATB) or the Hampshire County Council of Governments within three months of the date of the Assessors decision.**

**If Abatement is approved**

**You will receive an abatement certificate indicating the amount of the abatement along with a print out of a balance due or the amount of refund. Also, a copy of your field card showing the new value/assessment will be sent.**

**Your abatement will normally be credited towards your Fourth payment or your Spring tax bill. If your abatement is granted after your bill is paid in full, you will automatically receive a refund check.**

**ATTENTION: NEW HOMEOWNERS!!**

**Keep in mind that the assessment date is January 1, as it affects your ownership status. The property is legally assessed to the owner as of January 1, but make sure you get a bill! You may be entitled to file an application for abatement if you dispute your value. Or you may be entitled to file an application for one of the statutory exemptions that are available, providing you own, occupy and otherwise qualify as of July 1<sup>st</sup>, the beginning of the fiscal year.**

**NOTE**

**Tax bills are mailed to the owner of record as of the mailing date of the bills and not to mortgage companies, etc. It is your responsibility to forward the bill to your mortgage company.**

**WHAT TYPES OF EXEMPTIONS (REDUCTION OF REAL ESTATE TAXES)  
DOES THE Town of Amherst OFFER?**

A variety of exemptions are available to reduce property tax obligations for certain qualifying taxpayers: elderly persons, blind persons, disabled veterans, surviving spouse, or orphaned minor child, surviving spouse or orphaned minor of police officer or fire fighter killed in the line of duty and extreme hardship. Also available is a tax deferral for persons 65 years of age or over or from poverty or financial hardship resulting from a change to active military status, not including the initial enlistment. Contact the Assessors Office if you have any questions on the requirements for these exemptions and to find out if you qualify.

The qualifying date for these exemptions is July 1, the first day of the fiscal year. You must own, occupy and otherwise qualify for the exemption as of July 1. The application may also be filed by someone who owns the property in a life estate or in a trust. If the property is in a trust the applicant must be one of the trustees and one of the beneficiaries, thereby having legal title and beneficial interest. Applications must be filed within three months from the mailing of the third notice or actual tax bill. However, the Assessors strongly advise that applications be filed as soon as possible after July 1 so that they can be processed early and be ready to be reflected on the third (actual) tax bill.

**EXEMPTION QUALIFICATIONS**

<u>Clause</u>	<u>Basic Qualifications</u>	<u>Max. Income</u>	<u>Max. Assets</u>	<u>\$Tax Amount Exempted</u>
<u>Elderly</u>				
17D/E	Age 70 or older	None	\$40,000.	\$201.97

Must have owned and occupied such property for at least five years.  
In determining worth of total estate, domicile is exempt unless property is more than a three family house. If more than a three family house, the prorated share of the value of the property is to be considered, exclusive of the value of any mortgage, in addition to savings or checking accounts, IRA's, CD's stocks, bonds, value of motor vehicle, other real estate, or any other assets.

41C	Age 65 or older- Single	\$20,700.	\$41,500	\$1,000.00
41C	Age 65 or older- Married	\$31,050.	\$56,925	\$1,000.00

Must have been domiciled in Massachusetts for the preceding ten years and have owned and occupied such property or other property in Massachusetts for five years. Or is the surviving spouse who inherits such property and has occupied it for five years.

For single persons, the Board of Assessors will deduct the Social Security deduction of \$4,158 for Fiscal Year 2010, from the taxpayer's gross income. The net income cannot exceed \$20,700.

For married applicants, the Board of Assessors will deduct the Social Security deduction of \$6,237 for Fiscal Year 2010, from the taxpayer's gross income. The net income cannot exceed \$31,050.

In determining the whole worth of the estate, the valuation of domicile is exempt, including up to three additional units. Ie: the value of a four family house.

If there is a co-owner other than husband and wife, then the co-owner(s) must also qualify with regard to income and assets. The co-owner(s) income limit is \$13,000, if single and \$15,000 if married. There is no adjustment to these amounts. The total estate limit is \$28,000 if single and \$30,000 if married. If there are co-owners, other than husband and wife, the exemption will be prorated.

**Veterans**

**Must have been domiciled in Massachusetts for five years prior to filing or six Months prior to entry into the service. Must own and occupy as of July 1<sup>st</sup>. Such veteran must have had service of not less than ninety days and received an honorable discharge in one or more of the following missions:**

**Spanish American War – service between 2/15/1898 - 7/4/1902**

**World War I – 4/6/1917 – 11/11/1918**

**World War II – 9/16/40 -- 12/31/46**

**Korean War -- 6/25/50 -- 1/31/55**

**Vietnam War -- 8/5/64 -- 5/7/75 or have served at least 180 days between 2/1/55 -- 8/4/64 or 5/7/75 -- 6/4/76**

**Lebanese Peace Keeping force who performed such service and received a campaign medal during the period commencing 8/25/82 and ending when the President of the United States shall have withdrawn the armed forces from the country of Lebanon**

**Grenada rescue mission veteran who performed such service and received a campaign medal for such service during the period commencing 10/25/83 to 12/5/83**

**Persian Gulf veteran who performed such service during the period Commencing 8/2/90 and ending on a date to be determined by Presidential proclamation or executive order and concurrent Resolution of the Congress of the United States.**

	None	None	\$400.00
22 (a)	10% or more disability		
22 (b)	Soldiers or sailors who served in the Spanish War, the Philippine Insurrection or the Chinese Relief Expedition		
22 (c)	Recipients of the Purple Heart		
22 (d)	Spouses of soldiers or sailors entitled to an exemption under this clause and surviving spouses of soldiers or sailors who were entitled to this exemption at the time of their death or who lost their lives while serving in said war or who lost their lives in the Philippine Insurrection or Chinese Relief Expedition		
22 (e)	Parents of soldiers or sailors who lost their lives in such service. This includes natural and adoptive parents		
22 (f)	Surviving Spouse, under certain conditions, of a soldier or sailor who served in the armed forces between April 6, 1917 and November 11, 1918 or who were awarded the World War I Victory medal.		

**For 22A, 22B, 22C and 22E, if more than a single family house then the exemption will be prorated according to number of units.**

22A	Loss/Permanent Loss of Use of Foot, Hand or Eye/ Congressional Medal of Honor/ Distinguished Service Cross/ Air Force Cross/Navy Cross ***New legislation provides for the surviving spouse to continue to receive this exemption, even if they remarry.	None	None	\$750.00
22B	Loss/Permanent Loss of Use Two Limbs or Eyes ***New legislation provides for the surviving spouse to continue to receive this exemption, even if they remarry.	None	None	\$1,250.00



22C            Veteran Entitled to            None            None            \$1,500.00  
Special Adapted Housing  
\*\*\*New legislation provides for the surviving spouse to continue to receive this exemption, even if they remarry.

22D            Chapter 260 of the Acts of 2006 creates a new Clause 22D to include surviving spouses of soldiers, sailors and members of the National Guard whose death was a direct result of injury or disease as a result of being in a combat zone, or who have been classified as missing in action and presumed dead as a result of combat. The surviving spouse must be domiciled in Massachusetts for five consecutive years before applying for the exemption, or the service member has to have been domiciled in Massachusetts for at least six months before entering the service. The surviving spouse will receive a full exemption for the first five years the spouse qualifies but no more than \$2,500 in years thereafter. The exemption terminates upon the spouse's death or remarriage. Cities and towns will be fully reimbursed for the exemptions granted.

The act expressly makes the Clause 22D exemption retroactive for qualifying surviving spouses of those soldiers, sailors or guardsmen who died in combat or were presumed dead as a result of combat, on or after September 11, 2001. Depending on the date of death or presumed death, the surviving spouse may be eligible for retroactive exemptions beginning as early as fiscal year 2003. For example, a qualifying surviving spouse of a servicemember who died in combat between September 11, 2001 and June 30, 2002 would be eligible for a Clause 22D exemption beginning as of July 1, 2002 for fiscal year 2003. The spouse would receive a full exemption for five fiscal years (2003-2007) and a full exemption but no more than \$2,500. beginning in fiscal year 2008. If the servicemember died in combat between July 1, 2002 and June 30, 2003, the surviving spouse would be eligible for a full exemption for five fiscal years beginning as of July 1, 2003 for fiscal year 2004.

The act does not extend the application deadline for those years or otherwise provide a new application deadline for this category of eligible surviving spouses to obtain the retroactive exemption benefits. However, Assessors who receive a timely exemption application from an eligible surviving spouse for fiscal year 2007 or any year thereafter should also determine if the surviving spouse qualified in any of the applicable prior years. If so, the retroactive exemptions should be granted at the same time and should be included in the community's request for reimbursement for the current year. Communities will be reimbursed to the extent that the annual appropriation for that purpose is sufficient.

22E            100% disabled            None            None            \$1,000.00  
Veteran Incapable of Working Due To Service Connected Disability  
\*\*\*New legislation provides for the surviving spouse to continue to receive this exemption, even if they remarry.

22F            Paraplegics            None            None            Total  
\*\*\*New legislation provides for the surviving spouse to continue to receive this exemption, even if they remarry.

**CHAPTER 116 OF THE ACTS OF 2004 EXPANDS THE DEFINITION OF VETERAN BY ADDING "PEACETIME VETERANS", EFFECTIVE AUGUST 26, 2004 FOR FISCAL YEAR 2006**

The added categories are:

1. A member of the Army, Navy, Marines, Air Force or Coast Guard who serves 180 days, even if no wartime service.
2. A member of the Army Navy, Marines, Air Force or Coast Guard with service connected disability or death under conditions other than dishonorable, even if less than 180 days
3. Full-time National Guardsmen who serve in a particular capacity for 90 days with at least 1 day of wartime service.
4. Merchant Marines who served in World War II with honorable discharges from the Army, Navy or Coast Guard.

For further clarification on this definition, contact the Board of Assessors

Effective for Fiscal Year 2006, the change in definition will affect eligibility for property tax exemptions because General Law Chapter 59, Section 5, Clauses 22, 22A, 22B, 22C and 22E have also been amended to delete the requirement of wartime service as an express condition of eligibility.

The changed definition does not affect eligibility for motor vehicle excise exemptions, however. Excise exemptions are expressly limited to veterans of World War I, World War II, the Korean and Vietnam War (G.L. Ch. 60A, S.1.

<b><u>Other</u></b>	<b>Must own and occupy and otherwise qualify as of July 1<sup>st</sup>.</b>			
<b>17E/D/W</b>	<b>Surviving Spouse or Orphaned Minor Child</b>	<b>None</b>	<b>\$40,000</b>	<b>\$201.97</b>
	<b>Must own and occupy and otherwise qualify as of July 1<sup>st</sup></b>			
<b>37A</b>	<b>Legally Blind</b>	<b>None</b>	<b>None</b>	<b>\$500.00</b>
	<b>Must own and occupy and otherwise qualify as of July 1<sup>st</sup></b>			
	<b>Must be registered with the Division of the Blind as of July 1st</b>			
<b>42/43</b>	<b>Surviving Spouse or Orphaned minor of Police or Firefighter Killed in the Line of Duty</b>	<b>None</b>	<b>None</b>	<b>Total</b>
	<b>Must own and occupy and otherwise qualify as of July 1<sup>st</sup></b>			
<b>18</b>	<b>Extreme Hardship Due to Age, Infirmary &amp; Financial Condition</b>	<b>None</b>	<b>None</b>	<b>Variable</b>
	<b>*3 Unable to meet financial obligations</b>			
<b>18A</b>	<b>Tax Deferral for a person who by reason of poverty or financial hardship is in the judgement of the Assessors, unable to contribute fully toward the public charges, if such property is owned and occupied by him/her or he/she 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/her as his/her domicile as of July 1st, provided, that such person has been domiciled in the Commonwealth for the preceding 10 years. Such person may apply to the Board of Assessors for a deferral of taxes for such property and may be granted such deferral 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 that no sale or</b>			

transfer of such property may be consummated unless (1) the taxes, which would otherwise have been assessed have been paid, with interest, at the rate of 8 per cent per annum; (2) that the total amount of such taxes due, plus interest, does not exceed 50% of the owner's proportional share of the full and fair cash value of such property; (3) that upon the demise of the owner of such property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying the full amount due, plus interest of 16%; provided that if there is a surviving spouse who enters into a tax deferral and recovery agreement, such payment of the taxes will be postponed during the life of such surviving spouse. Any joint owner or mortgagee holding a mortgage shall give written prior approval for such agreement, which written approval shall be made a part of the agreement.

The tax deferral and recovery agreement shall not exceed three tax years and the total amount of taxes due, plus interest, shall be paid in 5 equal payments over a five year period and the first payment shall be due 2 years after the last day of the tax deferral. The tax deferral and recovery agreement shall be recorded in the registry of deeds of the county and shall constitute a lien upon the land covered by the agreement. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments.

For more information, contact the Board of Assessors.

(Chapter 470 of the Acts of 2002, passed 12/31/02, effective for Fiscal Year 2004)

#### **PRIOR YEARS' INCOME TAX RETURNS MUST BE FILED WITH APPLICATIONS FOR EXEMPTION UNDER CLAUSES 17E, 18, 18A, 41C/D AND CLAUSE 41A TAX DEFERRALS**

- 50 This clause provides for an exemption, not to exceed \$500.00, in taxes on the increased value of residential property as a result of alterations or improvements made to provide housing for a person 60 years of age or older, who is not the owner of the property. The property can have no more than three units prior to the improvements and must be owned and occupied by the applicant as his/her domicile. An application for this exemption must be filed annually, together with documentation that the housing is being provided for a person aged 60 or older. The exemption shall terminate when the premises are no longer occupied by any such elderly person. This clause takes effect on the acceptance of the law and applies only to those alterations or improvements made after the date of the acceptance of the law. Building permits applied for to do such alterations or improvements must specify that such work is being done to provide housing for the elderly person.

#### **TAX DEFERRALS (CLAUSE 41A)**

Many retired homeowners feel "house rich" and "income poor". The property taxes can constitute a serious financial burden. Amherst offers a Tax Deferral Program which allows owners to defer all or part of their annual property taxes. The deferred taxes accumulate, with simple interest at 4%, as a lien on the property until it is sold. No sale or transfer can be consummated during the lifetime of the taxpayer, unless the deferred taxes and interest due are paid in full. If the owner(s) has deceased and the deferral is continued by the surviving spouse, repayment is not required during the lifetime of the surviving spouse. If the deferral is not continued by the surviving spouse, or if the *property is sold, the deferred taxes, plus interest at 16% shall be paid by the estate. Applicants must be 65 or over on July 1, have been domiciled in Massachusetts for the preceding ten years, and have had a maximum income of \$40,000 in the prior year. The applicant also must have owned and occupied the property or other real property in the Commonwealth for five years. The total amount of taxes due, plus interest, for the current and prior years, cannot exceed 50% of the full and fair cash value of the property. A lien filed pursuant to this section shall be subsequent to any liens incurred by securing a reverse mortgage. Contact the Assessors office, if you are interested.*

## GENERAL INFORMATION ON EXEMPTIONS

### APPLICATIONS

Applications must be on forms approved by the Commissioner of Revenue and should contain sufficient information for the Assessors to determine eligibility for exemption. Applications for exemption are not open to public inspection. Exemption applications are now online and can be printed from the Town's website. [www.amherstma.gov](http://www.amherstma.gov)

### NUMBER OF EXEMPTIONS ALLOWED

The interpretation of exemption laws up until the decision of the Supreme Judicial Court in the case of Anthony J. DeCenzo vs. Board of Assessors of Framingham, 372 Mass. 523 (1977) allowed only one exemption per person per parcel except where a Clause 18 exemption (for the aged, infirm and impoverished), a tax deferral or a Clause 45 exemption (for solar or wind-powered systems) applied.

With the advent of the DeCenzo case, if two or more persons, whether or not related or married, own a single parcel and each qualifies for a different exemption, each would be entitled to receive the exemption for which he qualifies.

However, if two or more persons qualify for the same exemption on the same property, only one may receive the exemption unless the legislature expressly provided for a double exemption as in Clause 22, the veteran's exemption, where both husband and wife had a war-service connected disability of 10% or more. In this case each would be entitled to \$400.00 of actual taxes due.

Under Clause 17, 17C, 17C ½ or 17E the exemption of \$201.97 of actual taxes due may be apportioned among persons whose title to the property was acquired by inheritance (minors) and who qualify. Under Clause 41, 41B or 41C/D, if two or more persons owning the same property qualify, each will receive a proportion of the total exemption of \$500.00 of actual taxes due. The Appellate Tax Board has held that under Clause 41A a person may receive an exemption and also receive a deferral of taxes on the same property.

### MINIMUM TAX BILL

*With the exception of paraplegic veterans, and Clauses 42 & 43, no exemption can reduce the amount of taxes paid to less than 10% of the total tax bill. (59:5C) If the application of any exemption would result in a tax of less than the 10% minimum due, the total exemption cannot be allowed.*

### OPTIONAL ADDITIONAL REAL ESTATE EXEMPTIONS

*A local option allows a city or town to increase the amount of exemption for those who qualify for exemptions to persons. The increase must be uniform for all exemptions. A percentage is recommended over a dollar amount. The exemption cannot reduce the applicant's tax bill to less than he paid the preceding year, nor can it reduce the tax bill to less than 10% of what it should be, except where a Clause 18 (hardship) exemption, a Clause 42 or 43 exemption, or a paraplegic exemption is involved.*

*Only communities which are certified by the Commissioner of Revenue as assessing all property at its full and fair cash value may choose this option. This option must be accepted by a majority vote of town meeting or by the Mayor with the approval of the City Council, in a city. The determination as to whether to grant the additional exemption must be made annually prior to the approval of the tax rate. The*

*Commissioner must certify that sufficient sums have been provided to cover the costs of locally accepted exemptions before the tax rate will be approved. The new option applies to Clauses 17, 17C, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41C. (See IGR 89-207)*

*A municipality accepting Section 4 of Chapter 73 of the Acts of 1986 (as most recently amended by Chapter 126 of the Acts of 1988) must advise the Division of Local Services by submitting a form with a copy of the vote and the certification of such vote by the City or Town Clerk.*

*Chapter 181 created Chapter 59, Section 5, Clause 17E which allows us to increase the amount of assets certain seniors, surviving spouses and minors may have and qualify for an exemption under Clause 17D and also increases the amount of the exemption, by the cost of living adjustment as determined by the Commissioner of Revenue and are compounded from year to year.*

## **THE MOST FREQUENTLY ASKED QUESTIONS CONCERNING THE TRIENNIAL REVALUATION**

### **1. What Is A Revaluation?**

A revaluation is an update of all assessments in the city/town conducted under the direction of the Board of Assessors. The Board of Assessors consists of state-certified individuals whose duties are to discover, list, and value all real and personal property in the City/Town, in a uniform and equitable manner. The Board of Assessors is not involved in the collection of property taxes.

### **2. Why Is A Revaluation Necessary?**

State law requires that all property in the City/Town be assessed within ten percent of market value every three years. A revaluation is the most equitable way to accomplish this.

### **3. Will All Property Values Change?**

Probably. However, not all property values will change at the same rate. Market values will have increased more for some neighborhoods and property types than for others. Some neighborhoods and property types may have decreased in value and others may have remained the same. One purpose of a revaluation is to make sure that the assessed values reflect the changes that have occurred in property values.

### **4. Who Will Do The Revaluation?**

The Board of Assessors and their staff will do the revaluation. They have many years of experience in property assessment and are familiar with the marketplace in the City/Town. They will also hire one or two consultants to help with the statistical analysis.

### **5. When Will The Next Revaluation Start?**

The revaluation will begin in 2011 and is expected to be completed by October, 2011. The resulting values will be effective as of January 1, 2012 for Fiscal Year 2012. These assessments will be the basis for the third (or actual) tax bill which will be mailed in December, 2011.

### **6. Is It Necessary That You View The Inside Of My Property?**

The law requires that property be valued from an actual view or the best information available. We will be performing a data quality control study on our existing information. We will review your assessment based on the existing records and sales of properties similar to yours.

### **7. What If I Refuse To Let Assessment Personnel In My Property?**

All Assessing staff have an identification card with their picture on it. Our telephone number is 413-259-3024, if you need verification. To ensure accurate assessments, it is to your advantage to allow the Assessors or their personnel inside your property when an inspection is required. (Building permits for new construction, additions, changes, etc.) By denying an inspection, you may lose some rights if you feel the need to appeal your assessment.

**8. What Is Market Value?**

State law requires that your property be assessed at market value. Market value is defined as the amount a typical, well-informed purchaser would be willing to pay for a property. For a sale to be a market value (arm's length) sale, the seller and buyer must be unrelated, the seller must be willing (but not under pressure) to buy, the property must be on the market for a reasonable length of time, the payment must be in cash or its equivalent, and the financing must be typical for that type of property.

**9. What If There Hasn't Been a Recent Arm's -Length Sale of My Property?**

The next best evidence is the arm's-length sales of reasonably comparable properties. These are properties similar to yours in location, age, style, condition, and other features that affect market value, such as fireplaces, central air conditioning, bathrooms and size of garage.

**10. What If There Are No Reasonably Comparable Sales?**

We will then consider all other factors that may affect the market value of your property. The cost to replace your building(s), less any depreciation, plus the value of the land could be used to estimate market value. For rental properties, the income and expenses could be considered.

**11. I Have Recently Built My Home. Will The Actual Construction Costs Be Considered?**

Your construction cost is a historical figure that may or may not reflect the current market value of your property. It is only one element that will be considered.

**12. What Will Happen To My Assessment If I Improve My Property?**

Generally speaking, improvements that increase the market value of a property will increase the assessment. The following examples are typical items that may increase the assessed value of your property:

- |                          |   |
|--------------------------|---|
| Added rooms or garage    | Substantial modernization of kitchen or baths |
| Central Air conditioning | Fireplaces                                    |
| Extensive remodeling     | Added baths                                   |

**13. Will My Assessment Go Up If I Repair My Property?**

Normal maintenance will help retain the market value of your property, but generally will not affect your assessment. The following examples are typical items that will not increase the assessed value of your property:

- |                                       |                       |
|---------------------------------------|-----------------------|
| New roof                              | Ceilings or walls     |
| Exterior painting                     | Replacing furnace     |
| Adding or replacing gutter downspouts | Lawns and landscaping |
| Wiring modernization                  |                       |

**14. How Can My Assessment Change When I Haven't Done Anything To My Property?**

General economic conditions such as interest rates, inflation rates, and changes in the tax laws will influence the value of real estate. As property values change in the marketplace, those changes must be reflected on the assessment roll.

**15. Do All Assessments Change At The Same Rate?**

There are differences between individual properties and between neighborhoods. In one area, the sales may indicate a substantial increase in value in a given year. In another neighborhood, there may be no changes, or even a decrease in property values.

Different types of properties within the same neighborhood may also show different value changes. For example, one-story houses may be more in demand than two-story houses, or vice versa. Older homes in the same area may be rising in value more slowly than newer homes.

Among the numerous factors to be considered that will cause values to differ are location, condition, size, quality, number of baths, basement finish, garages, and many others.

**16. Will The Person Who Inspects My Property Be Able To Tell Me My New Assessment?**

No. If an inspection is necessary of your property, we have to analyze all of the information gathered before placing a value on your property. We will then further review this information to ensure that your assessment corresponds fairly to the assessments of other properties.

**17. Will I Be Notified If There Is A Change In My Assessment?**

After the Department of Revenue reviews the new values, there will be a public review period. This will be advertised in the newspaper. Generally, the Board of Assessors makes the lists of the new values available at their office in Town Hall, the Towns' website and also at the North Amherst, Munson, and Jones Libraries.

**18. What if, After The Bill Goes Out, I Disagree With The Assessment?**

You will need to file an abatement application with the Assessing Department. The filing period starts when the notice of third payment (actual tax bill) is mailed the end of December. The Board of Assessors has three months in which to act on your application. Depending on the number of applications they receive, they may ask that you consent to an additional three months for them to take action, if necessary. They will notify you on an approved Department of Revenue form of their decision.

**19. What Evidence Do I Need To Present To The Board Of Assessors?**

State law puts the burden of proof on the property owner to show that the assessment is incorrect. Stating that property taxes are too high is not relevant. You should establish in your mind what you think your property is worth.

The best evidence that could be considered would be a recent sale price of your property. The next best evidence would be recent sales prices of properties that are similar to yours. The closer in similarity and proximity, the better the evidence.

Another type of evidence that could be considered would be a recent appraisal of your property.

**20. How Will My Taxes Change As A Result Of The New Assessment?**

Although the value of your property affects your share of taxes, the actual amount you pay is determined by the budget needs of the City/Town and Schools. These will decide what services will be provided in the coming year and how much will be needed to provide these services. Once this



decision is made, a tax rate is adopted that will generate the needed tax dollars. Your property taxes are determined by multiplying the tax rate by your assessment. Tax Rate x Assessed Value = Taxes

### IMPORTANT DATES FOR THE PROPERTY OWNER

<b>January 1</b>	<b>“Assessment Date” of all real and personal property for the following fiscal year. The ownership, use and physical characteristics of all property are “frozen” as of this date for Determining the assessment for the following fiscal year</b>
<b>July 1</b>	<b>The Fiscal Year begins. This is the qualification date for all statutory exemptions. It is advisable to file your application for exemption now.</b>  <b>Notice of first and second tax payment for new Fiscal Year is issued. These bills are due August 1 and November 1.</b>
<b>Early November</b>	<b>Town receives approvals from the Department of Revenue on values, new growth, etc..</b>  <b>Assessors present proposed tax rate to the Select Board Proposed valuation listings are made available to the public, online, at Town Hall, and at the local libraries.</b>
<b>Early December</b>	<b>Select Board votes on and approves the classification shift with the resulting tax rate.</b>
<b>Late December</b>	<b>Notice of third and fourth tax payment, known as actual tax bill, is issued. These bills are due February 1 and May 1.</b>  <b>Mailing of the tax bill starts the period for filing abatement and exemption applications. Abatement applications must be filed with the Assessing Department no later than February 1 or have a United States post office postmark of no later than that date. Exemption applications must be filed within three months from the date of mailing of the actual tax bills.</b>
<b>February 1</b>	<b>Final day for filing abatement applications with the Assessing Department. The application must be on file in the Assessors Office or if mailed, have a United States post office postmark of no later than February 1.</b>
<b>Late March</b>	<b>Final time for filing applications for statutory exemption (Due within three months of the mailing of the third/fourth (actual bill) notice of payment.</b>

**THE COMMUNITY PRESERVATION ACT**

Chapter 267 of the Acts of 2000 created Chapter 44B of the Mass. General Laws which is the Massachusetts Community Preservation Act. In order for a community to take advantage of this law, it must be approved by both the legislative body of the community (Select board) and the electorate, at a regular municipal or state election.

The Act allows the adoption of a surcharge to real estate tax bills of one to three percent. It also allows for certain exemptions. The exemptions are:

1. An exemption on the first \$100,000 of the assessed valuation of Class One, Residential, parcels
2. An exemption for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the community. (The income limitations for this are according to the HUD guidelines.)
3. An exemption for Class three, Commercial and Class Four, Industrial property if the community annually adopts a higher tax rate for those classes.

The City Council approved the adoption of the CPA surcharge of 1.5% with the first two exemptions. This was on the ballot at the November 7, 2006 election and was approved by the voters.

The CPA surcharge first appeared on tax bills issued for Fiscal Year 2002. An example of the calculation of the surcharge is as follows:

Assessed valuation	\$350,000
Exemption	100,000
To Be Charged CPA	250,000 x tax rate of \$10.44 /1000 = \$2,610 x 1.5% = \$39.15 CPA

The Community Preservation Fund is a special revenue fund subject to appropriation. A recommendation by the Community Preservation Committee and an appropriation by the legislative body of the city or town are both required to spend any monies belonging to the fund for particular community preservation purposes. G.L. Ch. 44B s7. Appropriations from any fund financing source, except borrowing, are made by majority vote. For each fiscal year, the legislative body must appropriate or reserve for future appropriation, at least 10% of the estimated annual fund revenues for each of the act's community preservation purposes:

- a. The acquisition, creation and preservation of open space
- b. The acquisition, preservation, rehabilitation and restoration of historic resources
- c. The creation, preservation and support of community housing

The Town will receive matching funds from the Massachusetts Community Preservation Trust Fund of monies received by the Town from the CPA surcharge.

The Community Preservation Committee must consist of five to nine members who must include a designee from each of the following boards or commissions or authorities:

- The Conservation Commission
- The Historical Commission
- The Planning Board
- The Board of Park Commissioners
- The Housing Authority and Local Citizens

All monies received from the CPA Surcharge must be kept in a separate account and not commingled with other monies received by the Town. If a person receives an abatement or exemption on their real estate taxes, a corresponding abatement or exemption will be made to their CPA surcharge.

## MOTOR VEHICLE EXCISE TAX

Chapter 60A of the General Laws provides for the issuance of Motor Vehicle Excise tax bills for all motor vehicles that are registered.

The valuation for Motor Vehicle Excise tax purposes is based on a percentage of the manufacturer's suggested factory list price, new. In the year prior to the year of manufacture; for example a 2009 vehicle registered in 2008; the valuation would be 50% of the factory list price; in its first year (2009 in 2009) the valuation would be 90% of the factory list price; in the second year (2009 in 2010) the valuation would be 60% of the factory list price; in the third year; 40% of the factory list price; in the fourth year 25% of the factory list price and in the fifth year and older, 10% of the original factory list price.

The tax rate for this tax is \$25.00 per thousand dollars of value. This is calculated from the date of registration to the end of the calendar year. It is prorated by the month, so whether a vehicle is registered the beginning or the end of the month, the billing starts with that full month.

Once a vehicle is registered, a bill is created by the Registry of Motor Vehicles and sent to the community where the vehicle is garaged, for billing. If the vehicle is registered in Massachusetts, but garaged outside of Massachusetts, the bill will be issued by the Department of Revenue. The bill is due in thirty days, after which a second notice (or demand) is issued with a \$10.00 demand and interest. After 14 days if the bill is still unpaid, the bill will go on warrant which will add warrant fees and deputy fees. If the bill continues to go unpaid, notice will be sent to the Registry of Motor Vehicles to mark the person's license and registration for non-renewal. After that, in order for a person to renew their license and/or register a vehicle, all taxes and fees must be paid in addition to a fee for the release of the lien which indicates all monies due have been paid. On occasion a person will move out of state and feel that they can ignore the bill. However, when they try to register a vehicle or get a license to drive in that other state, the other states' Registry of Motor Vehicles, will check the computer records and if there is any indication that the person owes monies for taxes, anywhere, they will have to pay what they owe before the new state will issue them a license or registration. There is a reciprocal agreement amongst the states whereby they will check for unpaid excise taxes, or fees. This also includes parking tickets. An unpaid parking ticket can also result in the Registry being notified to mark the person's records for non renewal.

If, after the vehicle is registered, the person sells, trades, junks, or otherwise disposes of their vehicle, and either transfers their registration to another vehicle or turns their plate in to the Registry and gets a plate return receipt, they can apply for a partial abatement of their taxes. When a tax bill is issued, there is an abatement application printed on the back of the bill, which can be completed and returned to the Board of Assessors with the necessary documentation, so that abatement will be issued. If a vehicle is in an accident and totaled, a letter from the insurance company is necessary stating the date of settlement. If a vehicle is repossessed, a letter from the company who repossessed the vehicle giving the date of repossession is necessary. If a person moves out of state and reregisters the vehicle in that new state, a copy of the Massachusetts plate return receipt and the new state registration is needed. Any time a vehicle is disposed of, totaled, repossessed and the plate is not transferred to another vehicle, the plate must be returned to the Registry and a plate return receipt obtained. If the plate is lost or stolen, a form C-19, which is a lost plate affidavit, must be filed with the Registry of Motor Vehicles, so it can be provided to the Assessors when applying for abatement. To get an abatement, both things must happen; disposition of the vehicle and the transfer or cancellation of the plate. If a vehicle is taken off the road and not sold, abatement cannot be issued. If a vehicle is sold and the plate is not transferred or cancelled, abatement cannot be issued. If the vehicle is stolen and the local police are notified within 48 hours of the discovery of the theft and the certificate of registration is surrendered not less than thirty days after the theft and the registrant has received a certificate of cancellation of registration signed by

the Registrar of Motor Vehicles or his authorized agent verifying that the subject vehicle was stolen, an abatement can be applied for. They would also have to provide the Assessors with a letter from the insurance company giving the date of settlement for the loss.

A person may also file for abatement if they register the same vehicle more than once in the same year. They will be responsible for the bill for the original registration of the vehicle and receive an abatement of the bills for the subsequent registrations. An abatement may also be filed for reason of overvaluation. This could happen if there is not a proper description of the vehicle on the registration. The valuation would be based on the manufacturer's suggested list price as noted in the NADA book. Documentation such as an original bill of sale and/or registration and insurance coverage selection sheet would be needed.

There are several exemptions from the Motor Vehicle Excise tax. One of the exemptions applies to vehicles owned and registered by the Commonwealth or any of its political subdivisions; another to vehicles owned and registered by charitable or religious organizations whose personal property is exempt under Mass. General Law Chapter 59, Section 5, Clauses 3 and 10. Also exempt are vehicles owned and registered by a leasing company, when the vehicle is leased for a full calendar year to a charitable organization, other than a degree granting or diploma awarding institution.

A handicapped non-veteran who has the loss or permanent loss of use of both arms or both legs or is blind in both eyes, who can provide a doctor's letter to the Board of Assessors can apply for an exemption from the tax. These persons may or may not have a handicap plate. It is not the plate that provides for the exemption, it is person's condition. For a disabled veteran who has a service connected loss or permanent loss of use of one or both arms or one or both legs or is blind in one or both eyes, the tax can also be exempted. A letter or certificate from the VA is necessary for documentation. In this case, the veteran may or may not have a disabled veteran's plate. It is their condition that provides for the exemption. This exemption is limited to one motor vehicle owned and registered for personal, non-commercial purposes.

Chapter 260 of the Acts of 2006 has created a new exemption for certain disabled veterans. The Registry of Motor Vehicles has a Medical Advisory Board who upon application by a veteran, will determine if they have a condition, other than those noted above, that they feel warrants a disabled veteran's plate to be issued to them. Starting in November, 2006, a disabled veteran with a DV (disabled veteran's) plate can apply for an exemption of their excise tax bill. This exemption is limited to one motor vehicle owned and registered by the veteran for personal, non-commercial purposes.

If a serviceman is legally domiciled in a state other than Massachusetts, but is stationed here in Massachusetts, and has a vehicle registered, their motor vehicle excise tax bill can be abated. They will have to provide a letter from their commanding officer indicating the state of their legal domicile. This is not provided for in Chapter 60A but is a result of a court case "Buzzard vs the State of California".

All exemptions shall be for only one vehicle owned and registered by the person seeking the exemption and shall on a vehicle used for personal, non-commercial purposes.

All applications for abatements or exemptions must be filed with the Board of Assessors within three (3) years after the date the excise was due, or one (1) year after the excise was paid, which ever is later. If the taxpayer's application is denied, there can be an appeal to the Appellate Tax Board.

## PERSONAL PROPERTY TAX

The personal property tax is a tax on businesses. A person or company that is in business as of January 1 is subject to a personal property tax in the community where the business is located. If the business is owned by an individual, partnership, limited liability company or trust it is subject to a tax on everything used in the conduct of their business; furniture, fixtures, equipment, inventory, and/or machinery.

If the business is owned by a corporation, the furniture, fixtures and inventory are exempt locally as they pay a corporate excise to the State, and they are subject to a tax locally, only on their machinery used in the conduct of their business, poles, wires, underground conduits and machinery used in the distribution of water. There is an exemption on machinery used in the administration of the business, purchasing, selling, refrigeration of goods, the air conditioning of the premises. and laundering.

If the business is owned by a manufacturing corporation, they are only taxable on poles, wires, underground conduits and machinery used in the distribution of water.

In the case of laundries, if the business is owned by an individual, they are subject to a tax on all of their equipment and machinery. If the business is owned by a corporation, the machinery used for laundering is exempt, but they are subject to taxes on all other machinery, such as the revolving racks, presses, sewing machines, etc.

All businesses are required to file a Form of List with the Board of Assessors by March 1<sup>st</sup> of each year. This is a declaration by the person owning the business as to what they have, the date of purchase, price new, make and model of machinery, furniture, etc., and what they feel the current value is. In addition to reviewing the Forms of List, the Assessors go out in the field to list the property. If, when the tax bills are issued, the taxpayer has a question on what they are being billed for or the valuation; they have the right to file an abatement application. This application must be filed when the third notice or "actual tax bill" is issued, but no later than February 1<sup>st</sup>, or if mailed, have a United States post office postmark of no later than February 1<sup>st</sup>.

If a Form of List is not filed and the taxpayer files an abatement application, an abatement granted will be penalized by 50%.

## STATE INCOME TAX “SENIOR CIRCUIT BREAKER TAX CREDIT”

### What Is It?

Senior citizens in Massachusetts may be eligible to claim a refundable credit on their State Income Taxes for the real estate taxes paid on the Massachusetts residential property they own or rent and which they occupy as their principal residence. The maximum credit allowed is \$930.00 for the tax year beginning January 1, 2008. If the credit due the taxpayer exceeds the amount of the total income tax payable for the year, the excess amount of the credit will be refunded to the taxpayer without interest.

Eligible taxpayers who own their property may claim a credit equal to the amount by which their property tax payments in the current tax year, (excluding any exemptions and/or abatements), including water and sewer debt charges, exceed 10% of their “total income” for the same current tax year. Taxpayers residing in communities that do not include water and sewer debt service in their property tax assessments may claim, in addition to their property tax payments, 50% of the water and sewer charges actually paid during the tax year when figuring their credit.

For renters, the law assumes that 25% of their rent goes toward property tax. Accordingly, renters may claim a credit in the amount by which 25% of their annual rental payment is more than 10% of their total income.

For purposes of the tax credit, a taxpayer’s “total income” includes taxable income as well as exempt income such as social security, treasury bills and public pensions.

### Who Is Eligible For the Credit?

To be eligible for the credit for the 2009 tax year, a taxpayer must be 65 years of age or older before January 1, 2010 (for joint filers, it is sufficient if one taxpayer is 65 years of age or older), must own or rent residential property in Massachusetts and occupy the property as his or her principal residence. The taxpayer’s total income cannot exceed \$49,000. for a single filer who is not the head of a household, \$62,000. for a head of household, or \$74,000. for taxpayers filing jointly. No credit is allowed for a married taxpayer unless a joint return is filed. Moreover, the assessed valuation of the real estate cannot exceed \$793,000.

No credit is allowed if the taxpayer claims the “married filing separate” status, receives a federal or state rent subsidy, rents from a tax-exempt entity, or is the dependent of another taxpayer.

### Is The Tax Credit Considered Income?

Tax credits received by eligible taxpayers are not considered income for the purpose of obtaining eligibility or benefits under other means-tested assistance programs including food, medical, housing, energy and educational assistance programs.

### How Does A Taxpayer Claim The Credit?

Taxpayers who are eligible for the tax credit in the 2009 tax year can claim the credit by submitting a completed Schedule CB, Circuit Breaker Credit, with their 2009 State Income Tax Return.

**Note**

**Taxpayers who qualified for the tax credit in a prior year but did not file Schedule CB with their original State Income Tax Return should file an Application for Abatement, available at [www.mass.gov/dor](http://www.mass.gov/dor). Also, taxpayers who qualified for the tax credit in a prior year and did not file a tax return should file a State Income Tax return with Schedule CB. Either option must be completed within three years from the last day for filing the return, without regard to any extension of time to file.**

**What If The Taxpayer Is Not Required To File A State Income Tax Return?**

**An Eligible taxpayer who does not normally file a State Income Tax return may obtain a refund by filing a return with Schedule CB, Circuit Breaker Credit.**

**What Documentation Must The Taxpayer Keep?**

**As with all claimed tax credits and deductions, the taxpayer must keep all pertinent records, receipts and other documentation supporting his or her claim for the credit.**

**Schedule CB and further information is available at [www.mass.gov/dor](http://www.mass.gov/dor) or by contacting the Massachusetts Department of Revenue's Customer Service Bureau at (617) 887-MDOR or toll free in Massachusetts at 800-392-6089**