

NOTICE OF RIGHT TO DECLARE HOMESTEAD  
THE MASSACHUSETTS HOMESTEAD ACT  
MGL CHAPTER 188

Pursuant to Massachusetts General Laws Chapter 188 as revised and effective March 16, 2011, every owner of real estate occupied or intended to be occupied as a principal residence is entitled to an automatic homestead for the benefit of the owner and his or her family without recording or filing a declaration of homestead.

Under the old statute there were two types of homesteads which were available. Under the revised version of Chapter 188, there are three separate homesteads which are available:

**Section 2 Homestead, "Elderly or Disabled Persons"**. This form of homestead is intended to provide exemptions to persons age 62 and older and to disabled persons in an amount of \$500,000. This homestead is created only by recording or filing a written declaration of homestead in the appropriate land records.

**Section 3 Homestead, "Declared Homestead Exemption"**. This form of homestead is similar to what was available under the prior act and is created by the recording or filing of a declaration of homestead in the appropriate land records. The amount of exemption afforded under this homestead is \$500,000.

**Section 4 Homestead, "Automatic Homestead Exemption"**. This entirely new homestead is an automatic homestead for the benefit of the owner and the owner's family who occupy or intend to occupy the home as a principal residence. It requires no filing or recording of a declaration of homestead. The exemption is in the amount of \$125,000.