

# Homestead: Protect Your Home

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- Even though you may have planned for the proverbial "rainy day", you may regrettably find yourself unable to pay all your bills at some point. If such an unfortunate turn-of-events occurs, could you have done something to at least prevent your home from being sold right out from under you?

It's called the Massachusetts Homestead Act - Chapter 188 of the General Laws. Under this law, a homeowner can establish an "Estate of Homestead" which protects the home, up to \$500,000 of its value, against execution and forced sale by certain creditors.

"You must remember that the Homestead Law doesn't eliminate your bills," stresses Association Counsel Bill Rehrey. "You're still responsible, but at least you may be able to avoid being forced out of your home.

"Remember that the Homestead doesn't protect you from all your debts, including taxes and those which you incurred before establishing the Homestead. Also, it doesn't prevent the Commonwealth from placing a lien on a home for nursing home bills paid by it."

There are two ways that you can declare a Homestead. If you own the home and occupy it as your principal residence, you can declare a Homestead for the benefit of your family.

Under the second approach, commonly referred to as the "Elderly Homestead", a person, either 62 or over or who is disabled can declare a Homestead on their principal residence. (To be disabled, a person must meet the specific definition of "disabled" according to the federal supplemental security income program.) Under the Elderly Homestead, you can protect yourself, even if you are living alone and not with other family members.

In order to establish the Homestead, you must file a Homestead Declaration in the Registry of Deeds for the county in which you are living. (A disabled person must also file a special certificate confirming that they satisfy the definition of disability.) If you are interested in establishing a

Homestead, we suggest that you contact your Registry of Deeds, many of which, like the Norfolk County Registry (Telephone: 781-461-6101, or Website: [www.norfolkdeeds.org](http://www.norfolkdeeds.org)) provide forms and helpful information on how to declare and file a Homestead.

Editor's Note: The MA Secretary of State's website has links for all Registries of Deeds and information on the Homestead Act. For counties with more than one office, there's a table of all cities and towns. Finally, here is the direct link for the page with every office in MA.