HOUSE DOCKET, NO. 3172 FILED ON: 1/21/2011

HOUSE . . . . . No. 2995

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes and John Hart, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting neighborhoods from hazardous properties.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Russell E. Holmes	*6th Suffolk*
Sonia Chang-Diaz	
Linda Dorcena Forry	*12th Suffolk*
Carlos Henriquez	*5th Suffolk*
Byron Rushing	*9th Suffolk*

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HOUSE . . . . . No. 2995

By Representative Holmes of Boston and Senator Hart, a joint petition (accompanied by bill, House, No. 2995) of Russell E. Holmes and others relative to foreclosed property purchased or taken for non-payment of taxes. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act protecting neighborhoods from hazardous properties.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 60 of the General Laws is hereby amended by inserting the following new definition:-

"Hazardous property" a structure or parcel of land that is occupied, partially occupied or unoccupied, and that in the determination of the local housing inspector, local inspector of buildings, fire marshal, police commissioner or public health department, is unfit for human habitation, unsafe, and/or poses a threat to the life and safety of any occupants, public safety, public health, constitutes a fire hazard, or is otherwise deemed a nuisance.

SECTION 2. Section 65 of chapter 60 of the General Laws is hereby amended by inserting after the word "parcel", in the first sentence, the following words:-

or the property has been determined to be a hazardous property pursuant to section 81C;

SECTION 3. Said section 65 of chapter 60 is hereby further amended by inserting after the first paragraph the following paragraph:-

13 Notwithstanding the provisions of any general or special law to the contrary, if a city or
14 town files a petition for the foreclosure of all rights of redemption in the land court pursuant to
15 Section 81A or 81C of chapter 60, the court shall schedule a status conference expeditiously and
16 in no case later than 90 days after such petition was filed. Notwithstanding the provisions of any
17 general or special law to the contrary, if a city or town files a petition for the foreclosure of all
18 rights of redemption in the land court pursuant to Section 81B of chapter 60, the court shall
19 schedule a status conference expeditiously and in no case later than 90 days after such petition
20 was filed.

21 SECTION 4. Section 69A of chapter 60, as so appearing, is hereby amended by inserting
22 after the word "section", at the end of the second sentence, the following words:-

23 If said foreclosure petition was filed for a hazardous property as set forth in sections 1
24 and 81C of chapter 60, no petition to vacate a decree of foreclosure entered under section 69 of
25 chapter 60 and no proceedings at law or equity for reversing or modifying such a decree shall be
26 commenced by any person other than the petitioner except within thirty calendar days after the
27 final entry of the decree.

28 SECTION 5. Said section 69A of chapter 60 is hereby further amended by inserting after
29 the first paragraph the following paragraph:-

30 Any individual or entity that holds title to the subject structure or parcel of land in any
31 capacity, directly or indirectly, and wishes to file a petition to vacate a decree of foreclosure in
32 which a city or town has filed a petition to foreclose the owner's right of redemption pursuant to
33 section 81A, 81B or 81C of chapter 60 shall be required to post a bond within 30 days in an
34 amount not less than twenty five percent of the outstanding property taxes owed. Failure to do

35 so shall result in the dismissal of the owners petition to vacate the decree of foreclosure. The
36 provisions of this paragraph shall not apply to any individual or entity that has applied for an
37 abatement, pursuant to section 59 of chapter 59.

38 SECTION 6. Said chapter 60 is hereby amended by inserting after section 81B the
39 following section:-

40 Section 81C. Whenever a city or town shall have purchased or taken land for non-
41 payment of taxes under section 43 or 53 of chapter 60, respectively, and the treasurer of said city
42 or town has reason to believe that structure or parcel of land may constitute a hazardous
43 property, said treasurer shall forthwith request the inspector of buildings, or such other person
44 designated by the mayor or board of selectmen to perform the duties of the inspector of buildings
45 as defined in section 6 of chapter 143, to inspect the structure or parcel of land. Said inspection
46 may be in addition to and need not be in conjunction with the inspection as performed by the
47 inspector of buildings pursuant to said section 6, and shall not preclude a city or town from
48 taking any action prescribed in said chapter 143, relative to said land.

49 If structures or parcels of land are deemed a hazardous property, the local housing
50 inspector, local inspector of buildings, fire marshal, police commissioner or public health
51 department, shall notify the record owner, and, if appropriate, the mortgagee in possession or
52 lessee, of this finding. Such notice shall include a statement that the inspection was conducted at
53 the request of the local treasurer and that the failure of the record owner, or other interested
54 party, to correct the conditions described in the notice within thirty days of receipt or publication
55 of the notice will result in proceedings to foreclose the record owner's right of redemption. Such
56 notice may be served in the manner required by law for the service of subpoenas on witnesses in

57 civil cases or may be published. The inspector of buildings shall also, at the time of service or
58 publication, post a copy of the notice at the hazard property as well as an additional convenient
59 public place.

60 If at the expiration of the thirty-day period, the inspector of buildings is of the opinion
61 that action has not been initiated to correct the conditions described in the notice, he shall
62 forthwith notify the local treasurer in writing, under penalties of perjury, that the structures or
63 parcel of land have been found to be hazardous property. Such written notice shall include
64 therein the facts and circumstances which formed the basis of his findings, and a copy of the
65 notice served on the record owner, or if service was by publication, an account of the steps taken
66 to locate the record owner and a copy of the published notice.

67 Upon receipt of such written notice the treasurer shall immediately notify the
68 commissioner of revenue in writing, under the penalties of perjury, of such finding. Said notice
69 to the commissioner of revenue shall include a copy of the notice filed by the inspector of
70 buildings, such information appearing in the records of the assessors and of the collector and
71 tending to establish the validity of the tax title on such land, and any further information that the
72 commissioner may deem appropriate.

73 If the commissioner of revenue is of the opinion that the facts and circumstances as found
74 by the inspector of buildings are sufficient to establish that the buildings on the land so taken or
75 purchased are a hazardous property and that the facts essential to the validity of the tax title on
76 such land have been adequately established, he shall make an affidavit of such finding which
77 shall be recorded in the registry of deeds for the district wherein the land lies.

78 The commissioner of revenue shall incorporate in his affidavit the statements of the
79 inspector of buildings and the treasurer, or such portions thereof as the commissioner finds
80 pertinent, and when recorded, shall be prima facie evidence of such facts.

81 Upon the recording of the affidavit the treasurer shall bring a petition in the land court
82 pursuant to section 65 of chapter 60 for the foreclosure of all rights of redemptions of said land.