

HOUSE No. 3500

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cullinane

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 relative to blighted properties.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>1/15/2015</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>12/30/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>12/30/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>12/30/2019</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>12/30/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>12/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>12/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>12/30/2019</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>12/30/2019</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>12/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>12/30/2019</i>

HOUSE No. 3500

By Mr. Cullinane of Boston, a petition (accompanied by bill, House, No. 3500) of Daniel Cullinane and others relative to unpaid property taxes on property deemed unfit for human habitation by a local inspector. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to blighted properties.

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

1 SECTION 1. Section 1 of chapter 60 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the definition of “Abandoned property” the
3 following definition: -

4 “Blighted property”, a structure or parcel of land that is occupied, partially occupied or
5 unoccupied, and that in the determination of the local inspector pursuant to section 81C, is unfit
6 for human habitation, unsafe, poses a threat to the life and safety of any occupants, constitutes a
7 fire hazard, poses a threat to public safety or public health or is otherwise deemed a nuisance.

8 SECTION 2. Section 65 of said chapter 60, as so appearing, is hereby amended by
9 inserting after the word “parcel”, in line 9, the following words:- or the property has been
10 determined to be a blighted property pursuant to section 81C.

11 SECTION 3. Said section 65 of said chapter 60 is hereby further amended by adding the
12 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 with the land court pursuant to
15 section 81A or 81C, the court shall schedule a status conference expeditiously and in no case
16 later than 90 days after such petition was filed. Notwithstanding the provisions of any general or
17 special law to the contrary, if a city or town files a petition for the foreclosure of all rights of
18 redemption with the land court pursuant to section 81B, the court shall schedule a status
19 conference expeditiously and in no case later than 90 days after such petition was filed.

20 SECTION 4. Section 69A of said chapter 60, as so appearing, is hereby amended by
21 inserting after the second sentence the following sentence:-

22 If said foreclosure petition was filed for a blighted property, no petition to vacate a decree
23 of foreclosure entered under section 69 and no proceedings at law or equity for reversing or
24 modifying such a decree shall be commenced by any person other than the petitioner except
25 within 30 calendar days after the final entry of the decree.

26 SECTION 5. Said section 69A of chapter 60 is hereby further amended by adding the
27 following paragraph:-

28 Any person having an interest in the land, and wishing to file a petition to vacate a decree
29 of foreclosure in which a city or town has filed a petition to foreclose pursuant to section 81A,
30 81B or 81C shall be required to post a bond within 30 days in an amount not less than 25 per
31 cent of the outstanding real property taxes owed. Failure to do so shall result in the dismissal of
32 the petition to vacate the decree of foreclosure. The provisions of this paragraph shall not apply
33 to any person that has applied for abatement, pursuant to section 59 of chapter 59.

34 SECTION 6. Chapter 60 of the General Laws is hereby amended by inserting after
35 section 81B, as so appearing, the following section:-

36 Section 81C. As you used in this section “local inspector” shall mean the inspector of
37 buildings, building commissioner or local inspector employed and designated by a municipality
38 pursuant to section 3 of chapter 143.

39 Whenever a city or town shall have purchased or taken land for non-payment of real
40 property taxes under section 43 or 53 and the treasurer of said city or town has reason to believe
41 that structure or parcel of land may constitute a blighted property, he shall forthwith request the
42 local inspector to inspect the structure or parcel of land. Said inspection, which may be
43 conducted in consultation with the fire chief or head of the municipal fire department, the chief
44 of police or head of the municipal police department or local board of health, may be in addition
45 to and need not be in conjunction with the inspection as performed by the local inspector
46 pursuant to section 6 of said chapter 143, and shall not preclude a city or town from taking any
47 action prescribed in said chapter 143 relative to said land.

48 If the local inspector determines that the structures or parcels of land are unfit for human
49 habitation, unsafe, poses a threat to the life and safety of any occupants, constitutes a fire hazard,
50 poses a threat to public safety or public health or is otherwise deemed a nuisance, it shall be
51 deemed a blighted property. Upon a determination that a structure or parcel of land is a blighted
52 property, the local inspector, fire chief or head of the municipal fire department, chief of police
53 or head of the municipal police department or local board of health, shall notify the record
54 owner, and, if appropriate, the mortgagee in possession or lessee, of this finding. Such notice
55 shall include a statement that the inspection was conducted at the request of the treasurer of such

56 city or town and that the failure of the record owner, or other interested party, to correct the
57 conditions described in the notice within 30 days of receipt or publication of the notice will result
58 in proceedings to foreclose the record owner's right of redemption. Such notice may be served in
59 the manner required by law for the service of subpoenas on witnesses in civil cases or may be
60 published. The local inspector shall also, at the time of service or publication, post a copy of the
61 notice at the blighted property and in 2 or more convenient public places.

62 If at the expiration of the 30-day period, the local inspector is of the opinion that action
63 has not been initiated to correct the conditions described in the notice, he or she shall forthwith
64 notify the treasurer of such city or town in writing, under penalties of perjury, that the structures
65 or parcel of land have been found to be blighted property. Such written notice shall include
66 therein the facts and circumstances which formed the basis of his findings, and a copy of the
67 notice served on the record owner, or if service was by publication, an account of the steps taken
68 to locate the record owner and a copy of the published notice.

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

75 If the commissioner is of the opinion that the facts and circumstances as found by the
76 local inspector are sufficient to establish that the buildings on the land so taken or purchased are
77 a blighted property and that the facts essential to the validity of the tax title on such land have

78 been adequately established, he shall make an affidavit of such finding which shall be recorded
79 in the registry of deeds for the district wherein the land lies.

80 The commissioner shall incorporate in the affidavit the statements of the local inspector
81 and the treasurer of such city or town, or such portions thereof as the commissioner finds
82 pertinent, and when recorded, shall be prima facie evidence of such facts.

83 Upon the recording of the affidavit the treasurer of such city or town shall bring a petition
84 in the land court pursuant to section 65 for the foreclosure of all rights of redemptions of said
85 land.