

**SENATE . . . . . No. 1887**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 providing better notices and protections in the process for collecting delinquent property taxes.

PETITION OF:

NAME:

*Patricia D. Jehlen*

DISTRICT/ADDRESS:

*Second Middlesex*

**SENATE . . . . . No. 1887**

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1887) of Patricia D. Jehlen for legislation to provide better notices and protections in the process for collecting delinquent property taxes. Revenue.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2583 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to providing better notices and protections in the process for collecting delinquent property taxes.

*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. Subsection (c) of section 2C of said chapter 60, as appearing in the 2018  
2 Official Edition, is hereby further amended by striking out paragraph (9) and inserting in place  
3 thereof the following paragraph:-

4           (9) A purchaser owning any tax receivable shall give notice to a taxpayer, to the  
5 appropriate municipality and the local or regional council on aging, within 12 business days of  
6 purchasing said tax receivable. The notice shall have the name, address, telephone number and  
7 preferred method of communication with said purchaser and any service agent acting on behalf  
8 of said purchaser. Whenever the purchaser or the service agent of such tax receivables shall  
9 change, the new purchaser or service agent shall provide the notice required herein within 12

10 business days of the effective date of such change. Where the land is residential such notice  
11 shall be served on the taxpayer in the manner required by law for the service of subpoenas on  
12 witnesses in civil cases and shall include a uniform notice approved by the attorney general, in  
13 language understandable by a least sophisticated consumer, together with a notice in the 5 most  
14 common languages in the commonwealth that this notice affects important legal rights and  
15 should be translated immediately and such notice shall state:

16 (i) that a complaint to foreclose the tax title may be filed on or after a specific date;

17 (ii) that the tax title has been sold to a third party;

18 (iii) why the property was taken and that the owner may redeem the property and  
19 the date when the redemption period expires;

20 (iv) the components of the amount required to redeem the property and the  
21 procedure for redemption;

22 (v) that if a complaint to foreclose the tax title is filed and the owner does not  
23 respond by filing an answer the court may enter an order defaulting the owner;

24 (vi) that if a complaint to foreclose the tax title is filed, the owner may respond by  
25 filing an answer that requests that the court set the terms by which the owner may redeem the  
26 property;

27 (vii) that if the property is not redeemed, the purchaser is entitled to receive an  
28 order from the land court that completes a transfer of ownership of the property to the town or  
29 purchaser and permanently eliminates any rights the owner has in the property, as well as any  
30 equity the owner had in the property;

31 SECTION 2. Section 16 of said chapter 60, as so appearing, is hereby amended by  
32 striking out, in lines 2 to 3, inclusive, the words “or arresting him for his tax”.

33 SECTION 3. Said section 16 of said chapter 60, as so appearing, is hereby further  
34 amended by striking out the seventh sentence and inserting in place thereof the following  
35 sentence:- Demand shall be made by the collector by mailing the same to the last or usual place  
36 of business or abode, or to the address best known to him or her, and failure to receive the same  
37 shall not invalidate a tax or any proceedings for the enforcement or collection of the same;  
38 provided, that if the land is residential a uniform notice approved by the attorney general, in  
39 language understandable by a least sophisticated consumer, together with a notice in the 5 most  
40 common languages in the commonwealth shall be used that states that this notice affects  
41 important legal rights and should be translated immediately, and provides clear notice that the  
42 non-payment of property taxes can result in the taking of the property and that the property  
43 owner may be eligible for exemptions, abatements and tax deferrals and other assistance and  
44 should contact the collector of taxes office together with the address, telephone number, email  
45 address, if available, and internet address for further information.

46 SECTION 4. Said chapter 60 is hereby further amended by striking out section 52 and  
47 inserting in place thereof the following section:-

48 Section 52. Cities and towns may make regulations for the possession, management  
49 and sale of land purchased or taken for taxes, not inconsistent with law, regulations promulgated  
50 by the department of revenue or the right of redemption. The treasurer of any city or town  
51 holding 1 or more tax titles may assign and transfer such tax title or titles, individually or  
52 bundled, to the highest bidder after a public auction, after having given 30 days' notice of the

53 time and place of such public auction by publication with a copy of such notice to the local or  
54 regional council on aging, which shall conform to the requirements of section 40, and having  
55 posted such notice in 2 or more convenient and public places in said city or town, provided that  
56 the sum so paid for such assignment is not less than the amount necessary for redemption, and  
57 may execute and deliver on behalf of the city or town any instrument necessary therefor. Only  
58 those bidders that are licensed as debt collectors by the commonwealth shall be eligible to  
59 participate in this sale. Regardless of whether the assignment is pursuant to this section or section  
60 2C, the treasurer shall send notice of the intended assignment to the owner of record of each  
61 parcel at his or her last known address not less than 10 days prior to the assignment. Where the  
62 land is residential such notice shall be served in the manner required by law for the service of  
63 subpoenas on witnesses in civil cases and shall include a uniform notice approved by the  
64 attorney general, together with a notice in the 5 most common languages in the commonwealth  
65 that this notice affects important legal rights and should be translated immediately in language  
66 understandable by a recipient with a least sophisticated consumer that the treasurer intends to sell  
67 the tax title to the homeowner's property. The notice shall clearly state that the non-payment of  
68 property taxes can result in the loss of the property and that the property owner may be eligible  
69 for exemptions, abatements and tax deferrals and other assistance and should contact the  
70 collector of taxes office together with the telephone number, email address, if available, and  
71 internet address for further information.

72           The instrument of assignment shall be in a form approved by the commissioner and  
73 shall be recorded within 60 days from its date and if so recorded shall provide a rebuttable  
74 presumption as to all facts essential to its validity. The instrument of assignment shall, for each  
75 parcel assigned thereunder, state the amount for which the tax title on the parcel could have been

76 redeemed on the date of the assignment, separately stating for each parcel the principal amount  
77 and the total interest accrued until the date of assignment. The principal amount shall be the sum  
78 of the amounts for which the parcel was taken and amounts subsequently certified under section  
79 61 and costs of service if applicable. Except as hereinafter otherwise provided, all provisions of  
80 law applicable in cases where the original purchaser at a tax sale is another than the city or town  
81 shall thereafter apply in the case of such an assignment, as if the assignee had been a purchaser  
82 for the original sum at the original sale or at a sale made at the time of the taking and had paid to  
83 the city or town the subsequent taxes and charges included in the sum paid for the assignment.  
84 Any extension of the time within which foreclosure proceedings may not be instituted granted by  
85 a municipality's treasurer prior to assignment shall be included in the language of sale and be  
86 binding upon the assignee.

87           SECTION 5. Section 53 of said chapter 60, as so appearing, is hereby amended by  
88 inserting after the word "published," in line 6, inclusive, the following words:- where the land is  
89 residential such notice shall be served in the manner required by law for the service of subpoenas  
90 on witnesses in civil cases and published.

91           SECTION 6. Said section 53 of said chapter 60, as so appearing, is hereby further  
92 amended by adding the following paragraph:-

93           Where the land is residential all notices sent pursuant to this section shall include an  
94 uniform notice approved by the attorney general, together with a notice in the five most common  
95 languages in the commonwealth that this notice affects important legal rights and should be  
96 translated immediately. Such notice shall state in language understandable by least sophisticated  
97 consumer:

- 98 (i) What taxes or other municipal costs remain unpaid;
- 99 (ii) The taxpayer's right to redemption, the components of the amount required to  
100 redeem the property, the procedure for redemption, and the date when the redemption period  
101 expires;
- 102 (iii) That a complaint to foreclose the tax title may be filed on or after a specific  
103 date;
- 104 (iv) That the tax title may be sold to a third party;
- 105 (v) That if a complaint to foreclose the tax title is filed and the owner does not  
106 respond by filing an answer the court may enter an order defaulting the owner;
- 107 (vi) That if a complaint to foreclose the tax title is filed, the owner may respond by  
108 filing an answer that requests that the court set the terms by which the owner may redeem the  
109 property;
- 110 (vii) That if the property is not redeemed, the town or purchaser is entitled to  
111 receive an order from the land court that completes a transfer of ownership of the property to the  
112 town or purchaser and permanently eliminates any rights the owner has in the property; and
- 113 (viii) That if the property is not redeemed, the property may be sold at auction and  
114 the owner will likely loses significant equity in the property.

115 SECTION 7. Said chapter 60 is hereby further amended by striking out section 62A  
116 and inserting in place thereof the following section:-

117           Section 62A. Municipalities may by ordinance or bylaw authorize payment  
118 agreements between the treasurer and persons entitled to redeem parcels in tax title. Such  
119 agreements shall be for a maximum term of no more than 10 years and may waive not more than  
120 50 per cent of the interest that has accrued on the amount of the tax title account unless someone  
121 aged 60 or older or whose primary source of income is disability benefits is on the deed for the  
122 parcel and the parcel is his or her primary residence, in which case 75 per cent of the interest that  
123 has accrued on the amount of the tax title may be waived, subject to such lower limit as the  
124 ordinance or bylaw may specify. An ordinance or bylaw under this section shall provide for such  
125 agreements and waivers uniformly for classes of tax titles defined in the ordinance or bylaw. Any  
126 such agreement must require a minimum payment at the inception of the agreement of 5 per cent  
127 of the amount needed to redeem the parcel. During the term of the agreement the treasurer may  
128 not bring an action to foreclose the tax title unless payments are not made in accordance with the  
129 schedule set out in the agreement or timely payments are not made on other amounts due to the  
130 municipality that are a lien on the same parcel.

131           SECTION 8. Section 65 of said chapter 60, as so appearing, is hereby amended by  
132 striking out, in line 4, the words “after six months” and inserting in place thereof the following  
133 words:- after 12 months.