

**HOUSE . . . . . No. 2907**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Tram T. Nguyen*

*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/14/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>

**HOUSE . . . . . No. 2907**

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By Representative Nguyen of Andover, a petition (accompanied by bill, House, No. 2907) of Tram T. Nguyen and James K. Hawkins relative to notices and protections in the process for collecting delinquent property taxes. Revenue.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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 chapter 60 of the General Laws, as so  
2 appearing, is hereby amended by striking out paragraph (9) and inserting in place thereof the  
3 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 the date  
19 when the redemption period expires;

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

22 (v) that if a complaint to foreclose the tax title is filed and the owner does not respond by  
23 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 filing  
25 an answer that requests that the court set the terms by which the owner may redeem the property;

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

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

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

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

47 Section 52. Cities and towns may make regulations for the possession, management and  
48 sale of land purchased or taken for taxes, not inconsistent with law, regulations promulgated by  
49 the department of revenue or the right of redemption. The treasurer of any city or town holding 1  
50 or more tax titles may assign and transfer such tax title or titles, individually or bundled, to the  
51 highest bidder after a public auction, after having given 30 days' notice of the time and place of  
52 such public auction by publication with a copy of such notice to the local or regional council on  
53 aging, which shall conform to the requirements of section 40, and having posted such notice in 2  
54 or more convenient and public places in said city or town, provided that the sum so paid for such

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

70           The instrument of assignment shall be in a form approved by the commissioner and shall  
71 be recorded within 60 days from its date and if so recorded shall provide a rebuttable  
72 presumption as to all facts essential to its validity. The instrument of assignment shall, for each  
73 parcel assigned thereunder, state the amount for which the tax title on the parcel could have been  
74 redeemed on the date of the assignment, separately stating for each parcel the principal amount  
75 and the total interest accrued until the date of assignment. The principal amount shall be the sum  
76 of the amounts for which the parcel was taken and amounts subsequently certified under section  
77 61 and costs of service if applicable. Except as hereinafter otherwise provided, all provisions of

78 law applicable in cases where the original purchaser at a tax sale is another than the city or town  
79 shall thereafter apply in the case of such an assignment, as if the assignee had been a purchaser  
80 for the original sum at the original sale or at a sale made at the time of the taking and had paid to  
81 the city or town the subsequent taxes and charges included in the sum paid for the assignment.  
82 Any extension of the time within which foreclosure proceedings may not be instituted granted by  
83 a municipality's treasurer prior to assignment shall be included in the language of sale and be  
84 binding upon the assignee.

85 SECTION 5. Section 53 of said chapter 60, as so appearing, is hereby amended by  
86 inserting after the word "published," in line 4, inclusive, the following words:- where the land is  
87 residential such notice shall be served in the manner required by law for the service of subpoenas  
88 on witnesses in civil cases and published.

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

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

96 (i) What taxes or other municipal costs remain unpaid;

97 (ii) The taxpayer's right to redemption, the components of the amount required to redeem  
98 the property, the procedure for redemption, and the date when the redemption period expires;

99 (iii) That a complaint to foreclose the tax title may be filed on or after a specific date;

100 (iv) That the tax title may be sold to a third party;

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

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

105 (vii) That if the property is not redeemed, the town or purchaser is entitled to receive an  
106 order from the land court that completes a transfer of ownership of the property to the town or  
107 purchaser and permanently eliminates any rights the owner has in the property; and

108 (viii) That if the property is not redeemed, the property may be sold at auction and the  
109 owner will likely loses significant equity in the property.

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

112 Section 62A. Municipalities may by ordinance or bylaw authorize payment agreements  
113 between the treasurer and persons entitled to redeem parcels in tax title. Such agreements shall  
114 be for a maximum term of no more than 10 years and may waive not more than 50 per cent of  
115 the interest that has accrued on the amount of the tax title account unless someone aged 60 or  
116 older or whose primary source of income is disability benefits is on the deed for the parcel and  
117 the parcel is his or her primary residence, in which case 75 per cent of the interest that has  
118 accrued on the amount of the tax title may be waived, subject to such lower limit as the  
119 ordinance or bylaw may specify. An ordinance or bylaw under this section shall provide for such

120 agreements and waivers uniformly for classes of tax titles defined in the ordinance or bylaw. Any  
121 such agreement must require a minimum payment at the inception of the agreement of 5 per cent  
122 of the amount needed to redeem the parcel. During the term of the agreement the treasurer may  
123 not bring an action to foreclose the tax title unless payments are not made in accordance with the  
124 schedule set out in the agreement or timely payments are not made on other amounts due to the  
125 municipality that are a lien on the same parcel.

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