

HOUSE No. 4327

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 private street betterment assessments in the city of Worcester.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/5/2022</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/5/2022</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/6/2022</i>

HOUSE No. 4327

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 4327) of James J. O'Day, David Henry Argosky LeBoeuf and Daniel M. Donahue (with the approval of the mayor and city council) relative to private street betterment assessments in the city of Worcester. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to private street betterment assessments in the city of Worcester.

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. Notwithstanding the provisions of section thirteen of chapter eighty of the
2 general laws, or of any general or special law to the contrary, the city of Worcester, having made
3 an order for the assessment of any betterment in accordance with the provisions of said section
4 thirteen, for improvements to a private way, is hereby authorized upon the application of an
5 owner of residential real property abutting said way, meeting the qualifications in Section 2, to
6 enter into a deferral and recovery agreement with such owner. Any such application shall be filed
7 with the City Clerk within six months after notice of such assessment has been sent out by the
8 collector. This authority is supplemental and in addition to the authority to apportion betterment
9 assessments as provided in section thirteen of chapter eighty. The provisions of section thirteen
10 of chapter eighty regarding the applicable rate of interest shall apply to all betterments deferred
11 under authority of this act.

12 SECTION 2. To qualify for a deferral and recovery agreement (a) the property owner
13 must be 65 years of age or older, (b) have household annual earnings no greater than 80% of the
14 Worcester Area Median Income, as determined by the U.S. Department of Housing and Urban
15 Development, and (c) if the parcel is improved, the building may consist of no more than three
16 residential dwelling units and the applicant must occupy the property as their primary residence.

17 SECTION 3. The deferral and recovery agreement shall provide:

18 (1) that no sale or transfer of such real property may be consummated unless the
19 betterment assessment that would otherwise have been collected on such real property has been
20 paid, with interest as applied in accordance with the provisions of section thirteen of chapter
21 eighty;

22 (2) that upon the demise of the owner of such real property, the heirs-at-law, assignees or
23 devisees shall have first priority to said real property by paying in full the total betterment
24 assessment which would otherwise have been due, plus interest; provided, however, if such heir-
25 at-law, assignee or devisee is a surviving spouse who enters into a betterment assessment
26 deferral and recovery agreement under this section, payment of the betterment assessment and
27 interest due shall not be required during the life of such surviving spouse;

28 (3) that if the betterment assessments due, plus interest, are not paid by the heir-at-law,
29 assignee or devisee or if payment is not postponed during the life of a surviving spouse, such
30 betterment assessments and interest shall be recovered from the estate of the owner; and

31 (4) that any joint owner or mortgagee holding a mortgage on such property has given
32 written prior approval for such agreement, which written approval shall be made a part of such
33 agreement.

34 In the case of each betterment assessment deferral and recovery agreement entered into
35 between the city and the owner or owners of such real property, the city shall forthwith cause to
36 be recorded in the Worcester District registry of deeds, at the owner or owners expense, a
37 statement of their action which shall constitute a lien upon the land covered by such agreement
38 for such betterment assessment as has been assessed under the provisions of chapter eighty of the
39 general laws, plus interest as herein provided. The statement shall name the owner or owners and
40 shall include a description of the land. Unless such a statement is recorded, the lien shall not be
41 effective with respect to a bona fide purchaser or other transferee without actual knowledge of
42 such lien.