

By Mr. White of Boston, petition of Raymond L. Flynn, Eleanor Myerson and other members of the House for legislation to establish an administrative procedure for taking title to abandoned property under the law relative to the collection of local taxes. Taxation.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Eighty-Four.

---

AN ACT ESTABLISHING AN ADMINISTRATIVE PROCEDURE FOR TAKING TITLE TO ABANDONED PROPERTY.

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

1 Chapter 60 of the General Laws is hereby amended by striking  
2 out sections 82, 83, 84 and 84A and substituting therefore the  
3 following sections: —

4 *Section 82.* Whenever a city or town has purchased or taken  
5 land for non-payment of taxes, and the treasurer of said city or  
6 town has reason to believe that the buildings located thereon are  
7 unoccupied, he shall forthwith request the inspector of buildings,  
8 or such other person designated by the mayor or board of select-  
9 men to perform the duties of the inspector of buildings as defined  
10 in section six of chapter one hundred and forty-three, to inspect  
11 the buildings. Said inspection may be in addition to, and not be in  
12 conjunction with, the inspection as performed by the inspector of  
13 buildings pursuant to said section six, and shall not preclude a city  
14 or town from taking any action prescribed in said chapter one  
15 hundred and forty-three, relative to said land.

16 *Section 83.* If the inspector of buildings determines that said  
17 buildings are abandoned property he shall notify the record  
18 owner, and if appropriate, the mortgagee in possession or lessee, of  
19 his finding. Such notice shall include a statement that the inspec-

tion was conducted at the request of the treasurer and that failure of the record owner or other interested party, to correct the conditions described in the notice within thirty days of receipt of publication of the notice may result in proceedings to foreclose the record owner's right of redemption. Such notice shall conform to the requirements of sections 31, 32 and 33.

*Section 84.* If the explanation of the thirty-day period, the inspector of buildings is of the opinion that action has not been initiated to correct the conditions described in the notice, he shall forthwith notify the treasurer in writing under penalties of perjury, that the buildings on the land have been found to be abandoned property. Such written notice shall include therein the facts and circumstances which formed the basis of his findings, and a copy of the notice served on the record owner.

*Section 84A.* Upon receipt of written notice from the inspector of buildings the treasurer shall immediately notify the commissioner in writing of such finding and shall request in writing that the commissioner issue an affidavit of abandonment. The treasurer's notice to the commissioner shall include a copy of the notice filed with the treasurer by the inspector of buildings, such information appearing in the records of the assessors and of the collector tending to establish the validity of the tax title on such land, and any further information that the commissioner may deem appropriate.

The treasurer's request to the commissioner for an affidavit of abandonment shall include the findings of the inspector of buildings and an affidavit of the treasurer that a legal tax title has been duly recorded, which affidavit shall be prima facie evidence of the validity of the tax title. If the commissioner finds that such parcel has been appropriately found to be abandoned, that the tax title is valid, and that such parcel's value is less than fifty percent of outstanding valid taxes, interest, charges and all subsequent valid taxes, and assessments thereon, he or she shall make an affidavit of abandonment stating such finding. This affidavit shall be recorded in the registry of deeds for the district wherein the land lies, within thirty days from the date of its issuance.

*Section 84B.* If the commissioner is of the opinion that he cannot file the affidavits provided for in sections ninety-three or

58 ninety-seven he shall notify the treasurer in writing of this opinion  
59 setting forth why he is of such opinion and what deficiencies, if  
60 any, are correctable.

61 *Section 84C.* The recording of an affidavit provided for in sec-  
62 tion ninety-three or ninety-seven, together with its being sent by  
63 the city or town to persons declaring an interest under section  
64 seventy-four and its posting in two or more public and convenient  
65 places in the city or town, shall have the full effect of a decree  
66 barring redemption unless an action is brought in land court  
67 within ninety days to vacate such affidavit.

The following information is for your information and is not to be used for any other purpose. It is the property of the Department of the Interior and is loaned to you for your use only. It is to be returned to the Department of the Interior when you are no longer using it. It is to be kept in a safe place and not to be loaned to anyone else. It is to be destroyed when you are no longer using it. It is to be kept in a safe place and not to be loaned to anyone else. It is to be destroyed when you are no longer using it.