



POLICY No.: F-18  
DATE ADOPTED: OCTOBER 3, 2018

## **TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY**

### **TAX ENFORCEMENT POLICY**

#### **PURPOSE**

To provide guidance for equitably enforcing tax obligations and set expectations for both the Town and taxpayers, this policy clearly defines when and how the Town will transition unpaid property taxes from tax title through to foreclosure. It is in the best interest of the Town of West Boylston and its residents that property taxes be paid when due. Town and School budgets are set in anticipation of the collection of taxes, and taxes not paid by some property owners shift the cost burden onto others. The Town recognizes that individuals may go through periods of financial difficulty, but any taxpayer who becomes delinquent will be encouraged to find alternative resources to pay in full as soon as possible.

#### **APPLICABILITY**

This policy applies to the job duties of the Treasurer/Collector, including those duties related to managing the Town's contracted services with the tax title attorney. Tax enforcement applies to all owners of real or personal property in the Town of West Boylston whose taxes are not exempt.

#### **POLICY**

The Town of West Boylston intends to timely pursue all legal methods to collect taxes from delinquent property owners with the aim of achieving a target 97 percent of the property tax collection rate by fiscal year-end. The town will also timely and annually pursue foreclosure actions with the primary objective of receiving all monies due the Town. The costs of collection methods accrue against the taxpayer and may add to the property lien. Delinquent taxes represent a lien on property and remain in effect until all taxes, interest, and fees have been paid in full.

##### **A. Demands**

Final taxes are due to be paid as of May 1st each year (the due date for the 4<sup>th</sup> quarter tax bill). Fifteen days later, the Treasurer/Collector may issue demand notices to all assessed property owners who have failed to pay in full and who have not been granted full exemptions. Taxpayers are responsible for notifying the Assessor's Office in writing of any mailing address changes.

##### **B. Tax Taking**

The Treasurer/Collector may begin the tax taking process within 60 days of the demand notice. State law allows the process to begin as soon as 15 days after the demand, but, in every case, the Treasurer/Collector must complete the takings within 3½ years from the end of the fiscal year for which the taxes were assessed to secure, or perfect, the tax liens.

The Treasurer/Collector will send at least one enforcement letter to delinquent property owners as a

courtesy to potentially avoid a tax taking advertisement. If this does not result in full remittance, or a payment plan prior to the taking then the Treasurer/Collector will publish a Notice of Tax Taking in a local newspaper and post the notice in two or more convenient, public places.

Within 60 days of the tax taking announcements, the Treasurer/Collector shall prepare and record an Instrument of Taking for each delinquent property at the Registry of Deeds, the recording of which perfects the tax lien. After receiving the recorded Instruments back from the Registry, the Treasurer/Collector will send one copy of the taking report to the Town Accountant and keep the original takings in the Tax Office files.

#### C. Subsequent Taxes

Each year, the Treasurer/Collector will certify all unpaid taxes and assessments for parcels of real estate taken into tax title for nonpayment of taxes in prior years and not yet redeemed and put them in a Subsequent Tax Takings list. The Treasurer/Collector will provide copies of the list to of subsequent taxes into tax title to the Town Accountant and retain one copy on file in the Tax Office.

#### D. Interest, Fees, and License Revocation

All delinquent taxpayers are subject to charges, which will be added to their accounts by the Treasurer/Collector. These include interest accrued to the date of taking, advertising fees, certified mailing costs, legal fees, and Instrument of Taking recording fees.

The Treasurer/Collector and Staff will provide a listing of all individuals who are delinquent in paying taxes or other charges to the Town departments, boards, and committees that issue licenses and permits. These authorities shall review the list to deny, suspend, or revoke delinquent taxpayers' licenses and permits.

#### E. Payment Plans

The Treasurer/Collector will consider payment plans for parcels in tax title to allow delinquents to pay off their tax liens over a specified number of months. The Treasurer/Collector will actively monitor compliance with all payment plans, which shall have the following features in common:

- An upfront good faith payment of 25 percent of taxes owed
- Signed agreement between the Treasurer/Collector and taxpayer
- Specific amount to be paid each month
- Incorporation of payments for the current tax bill
- Statement that defaulting on the plan will immediately trigger foreclosure action by the Town

#### F. Redemption or Foreclosure

The primary policy goal of the Town's foreclosure process is getting outstanding amounts paid; however, it is also a policy goal to eventually achieve foreclosure on every persistently delinquent property.

The Treasurer/Collector shall identify all tax title properties older than 180 days to initiate foreclosure procedures. The Treasurer/Collector is responsible for completing foreclosures for any properties below the "Land of Low Value" threshold which is annually updated.

The Treasurer/Collector shall thoroughly review all other tax title properties before referring them to the tax title attorney for foreclosure processing in Land Court, beginning with those having the largest dollar value of taxes owed.

As manager of the service contract, the Treasurer/Collector shall ensure the tax title attorney complies with the objectives laid out in this policy section. The Treasurer/Collector will work with tax title attorney to prepare parcels in tax title status for foreclosure, beginning by providing each Instrument of Taking. The tax title attorney will review and research the tax title properties and also mail new collection enforcement letters to the taxpayers telling them of the importance of redeeming the property and warning of potential foreclosure action.

If a taxpayer pays the outstanding amount on a tax title property, the Treasurer/Collector will prepare an Instrument of Redemption and file it at the Registry of Deeds, which removes the lien. If the obligation remains unpaid, the tax title attorney will proceed with foreclosure action in Land Court, possibly resulting in auctioning of the property.

## **REFERENCES**

M.G.L. c. 60 §6

M.G.L. c. 60 §16

M.G.L. c. 60 §50

M.G.L. c. 60 §53

M.G.L. c. 60 §54 M.G.L. c. 40 §57

M.G.L. c. 60 §61

M.G.L. c. 60 §62

M.G.L. c. 60 §63 M.G.L. c. 60 §76

M.G.L. c. 60 §77

M.G.L. c. 60 §79

M.G.L. c. 60 §80

M.G.L. c. 60 s15

M.G.L. c. 60 s 55

Town of West Boylston Bylaw: M.G.L. c. 40 s 57 – adopted (Oct. 20 1987, A4 Oct. 19, 2009)

DLS Best Practice: Enforcing Collections

DLS Information Guideline Release on Land of Low Value Foreclosure Valuation Limit updated annually