

# **2026 Municipal Law Seminar**

## **WORKSHOP A**

### **Treasurer and Collector Issues**

#### **DISCUSSION SUMMARY**

**(Prepared For Informational and Training Purposes Only)**

This summary of the informal discussion presented at Workshop A is provided for educational and training purposes. It does not constitute legal advice or represent Department of Revenue opinion or policy, except to the extent it reflects statements contained in a public written statement of the Department of Revenue.

1a. Has the marking procedure at the RMV been eliminated?

**No. Section 28 of H2 (appropriations bill for FY27) proposed to eliminate the ability to mark. Neither the House nor the Senate version of the bill included this provision.**

1b. What are the steps to be followed to mark a delinquent taxpayer's registration and operator's license in non-renewal status at the RMV?

**A warrant must be issued and a warrant must be served. Wright v. Collector and Treasurer of Arlington, 422 Mass. 455 (1996).**

**Step 1 -The tax collector must send a demand for payment of the motor vehicle excise to the taxpayer.**

**Step 2- The tax collector must wait at least 14 days after the demand is mailed to see if payment in full is made. If the excise is still unpaid after that time period, the collector issues a warrant to collect the excise to a deputy collector, assistant collector or other officer bonded to collect locally assessed taxes. The warrant authorizes the officer to collect the excise from the taxpayer.**

**Step 3- The taxpayer is sent a notice that the tax collector has issued the warrant to collect the excise to the officer.**

**Step 4 - The officer must wait at least 30 days after the mailing of the notice of issuance of a warrant to collect the excise. If the excise is still unpaid after that time period, the warrant to collect must be served on the delinquent taxpayer by:**

**(a) In person presentation of the warrant to the taxpayer, or the taxpayer's representative, or**

**(b) Hand delivery of a copy of the warrant to the taxpayer's usual and last known residence, or the taxpayer's place of business.**

**Step 5 - The delinquent taxpayer's registration and operator's license may be marked at the RMV any time after the warrant to collect is served. Current RMV policy requires**

marking within two years of the date the original excise bill was mailed. (G.L. c. 60A, § 2A permits marking up to six years from the billing.) The mark remains until the excise is paid (or abated).

1c. What are other collection remedies that could be used?

**A lawsuit against the delinquent taxpayer; withholding from any amount payable to the taxpayer (“set-off”); the community could also deny, revoke, suspend or not-renew a permit or license sought or held by the taxpayer if the municipality has accepted G.L. c. 40, § 57 and adopted an implementation bylaw or ordinance.**

[G.L. c. 60A, § 2A](#); [MVE FAQs](#); [Wright v. Collector and Treasurer of Arlington, 422 mass 455 \(1996\)](#); [G.L. c. 40, § 57](#); [G.L. c. 60, § 35](#); [G.L. c. 60, § 93](#)

The assessor in early April 2026 drove to a very exclusive part of town where he observed in the driveway an unregistered convertible car in mint condition. He took pictures of the vehicle. He returned to the office to do some research. He discovered it was a 1951 Cadillac convertible worth at least \$100,000. He discussed his research with the other assessors and learned that the owner was a collector of vintage cars. Unregistered motor vehicles are subject to a personal property tax.

2a. Can the assessor enter the property to discover whether other vintage cars are being stored there? What can the assessor do to track down items of personal property which should have been taxed?

**The assessor does not have police powers so he cannot enter the property. By vote of a majority of the board of assessors, he can issue a summons to the taxpayer for production of requested information. This would be a personal property audit. Assessors who conduct audits of personal property accounts and discover unreported or inaccurately reported items of personal property may make omitted or revised assessments within three years and six months from the date the form of list was due or actually filed, whichever is later.**

2b. The assessors issued a warrant and a commitment to the collector for omitted personal property taxes for fiscal year 2026. The collector sent the bill which showed a \$2,000 tax for that fiscal year based on a value of \$100,000 and a personal property tax rate of \$20, as it happened, for that year. The taxpayer refused to pay the bill. What can the town do to collect the taxes?

**The collector may file a civil suit against the assessed owner within six years of the due date of the personal property tax. G.L. c. 60, § 35. As a result of changes made by the 2016 Municipal Modernization Act, the collector may bring all such actions in the Small Claims Session of the District Court. Ordinarily, there is a \$7,000 limit on the value of claims that may be litigated in a Small Claims Session. G.L. c. 218, § 21. However, tax collection suits can now be brought in Small Claims Session regardless of the amount of the tax owed. The small claims procedure is designed for individuals not represented by counsel and is a fast-tracked, practical, and inexpensive process to resolve a tax delinquency. Tax collectors who obtain a judgment for a**

**tax deficiency may then be able to collect on the judgment by levying against the delinquent taxpayer's assets.**

2c. Can the taxpayer legally avoid paying the personal property tax bills?

**Yes. The taxpayer can register the vehicle and the excise bill would be \$5 since its based on the manufacturer's list price for the year of manufacture which was 1951.**

[G.L. c. 218, § 21](#)

[G.L. c. 59, § 5](#) Clause 35

3a. It seems like everyone is talking about The Best Sporting Officials, LLC. It processes payments to referees, umpires and other sports officials on behalf of some schools and towns with athletic programs. It requires you to make a payment on the first of each month to cover payments that will go to the relevant sports officials for the upcoming scheduled games. Monthly deposits go into a joint bank account that The Best Sporting Officials, LLC controls because they issue the payment to the designated official.

Does this arrangement conform to municipal finance laws?

**No. This violates the prepayment rule. In this example, the services the town pays for on the first of each month have not been rendered.**

**G.L. c. 41, § 56 provides that "Approval shall be given only after an examination to determine that the charges are correct... and that the services charged for...were ordered...and that the services were actually rendered."**

3b. What are your thoughts on the jointly owned bank account that the LLC controls?

**This is problematic where a private company has control over public funds and makes direct payments to relevant parties, bypassing municipal statutory controls where the treasurer does not have control over the account and it removes the payment from the warrant process.**

**Relevant statutes include:**

**G.L. c. 41, § 35 provides in part "He shall receive and take charge of all money belonging to the town, and pay over and account for the same...No other person shall pay any bill of any department."**

**Under G.L. c. 41, § 52, "The auditor or officer having similar duties in cities, and the selectmen in towns, shall approve the payment of all bills or pay rolls of all departments before they are paid by the treasurer..."**

**Under G.L. c. 41, § 41, "No treasurer or other fiscal officer of any town or city shall pay any salary or compensation to any person in the service or employment of the town or city unless**

the payroll, bill or account for such salary or compensation shall be sworn to by the head of the department or the person immediately responsible for the appointment...”

Under G.L. c. 41, § 56, all boards, committees, department heads and officers authorized to expend money must, at least monthly, approve and transmit to the accounting officer all bills and payrolls that are chargeable to the appropriations over which they have spending authority. Approval for such expenditures is given only after a determination that the charges are correct and the services were ordered and the services were rendered.

[G.L. c. 41, § 56](#)

[G.L. c. 41, § 41](#)

[G.L. c. 41, § 52](#)

[G.L. c. 41, § 35](#)

4a. The taxes due were received by the Collector of Happy Town 18 days after they were due, and interest accrued on the tax bill. The Homeowner is now arguing that taxes were timely paid because the envelope containing payment was postmarked for the day that payment was due. Does the postmark rule apply to tax payment?

**No. There is no postmark rule for receiving tax payments. The postmark rule is for receiving abatement applications. Tax payments received after the due date incur interest regardless of the postmark date.**

2b. Collector Susan McBride was recently married. Susan was trying to get ahead on work before the wedding and honeymoon and had the tax bills already printed. She is now wondering if this was a mistake, and whether the tax bills should be re-printed because they listed her maiden name, and not her married name. She is also concerned as soon she'll be taking time off for a honeymoon and the affidavit as to time of sending the tax bills will need to be signed when the tax bills are mailed. Can anyone else sign the certificate of affidavit and mail the tax bills?

**There is nothing in the general laws requiring that the Collector's given name appear on the tax bill or other bills for payment. There is no need to reprint the bills.**

**With respect to the upcoming time off when the certificate of affidavit will need to be signed (STF 214) and tax bills mailed out, note that under G.L. c. 60, § 3, the Collector or Deputy Collector may sign an affidavit to provide proof that the tax bills were actually mailed.**

[G.L. c. 59, § 57](#)

[G.L. c. 60, § 3](#)

5a. You are the new town treasurer and are eager to reduce the number of tax titles left by your predecessor. Number one on your list of tax titles is a fifteen-acre vacant parcel presently assessed for \$80,000. The tax taking was made for unpaid FY 2000 taxes and the tax title account is in excess of \$50,000. Your tax title attorney made a title search and discovered that the taking was void. The

assessed owner, John Wilson, is not in the chain of title. The actual owner is another town resident named William Wadsworth who has owned the land since 1998. The attorney informed you that the collector was required to disclaim the tax taking. Is the amount owed to the town uncollectible and what should be done?

**The treasurer should visit the assessors and have them reassess the taxes to Wadsworth for each fiscal year back to fiscal year 2000 since there is a valid lien for all these fiscal years. The amount due upon reassessment will be calculated using the same interest rate as provided in GL c. 59, § 57 which is 14%. Recent changes to tax title reform do not change this, even if the reassessment occurs after November 1, 2024. Section 57 provides that the interest calculated on the reassessed bills relates back to the date of mailing of the original bills. There is no waiver of interest since the statute expressly excludes any interest waiver for reassessed taxes.**

**The assessors should make a separate reassessment for the parcel for each fiscal year. Upon receiving the enclosed tax list and warrant from the assessors, the collector should send a bill for the reassessed tax. Each reassessed tax bill should show the tax due and the accrued interest and charges. Each reassessed tax bill is due immediately. The reassessed taxpayer must also be informed in writing that she/he has three months after each reassessed bill is sent to file for an abatement to contest the valuation.**

5b. In same scenario as above, if a reassessed owner does not pay the amount owed, can the municipality perform a tax taking? If yes, do we have to follow the new tax taking process and what interest rate applies?

**Yes, a new tax taking can be performed if the amount owed remains delinquent. The new tax taking process would need to be followed as the new tax taking is occurring after November 1, 2024. Given this, the new tax title account will now accrue interest at a rate of 8% per G.L. c. 60, § 62 since it was established on or after November 1, 2024.**

[BUL-2025-8](#)

[G.L. c. 59, § 59](#)

[G.L. c. 59, § 77](#)

[G.L. c. 60, § 62](#)

[G.L. c. 59, § 57](#)

6a. There has been widespread discussion of tax title foreclosure after the U.S. Supreme Court decision of Tyler v. Hennepin County. The court decision and the Massachusetts legislative response concerned judicial foreclosure which is made through Massachusetts Land Court. Is there an alternative to seeking a foreclosure decree from Land Court?

**Land of Low Value is nonjudicial foreclosure through public auction for parcels valued not in excess of \$28,866 for calendar year 2026. G.L. c. 60, §§ 79-80C and it is an inexpensive alternative. The initial cost at Land Court is presently \$615.**

6b. How can the treasurer implement the Land of Low Value procedure?

**The treasurer files an application on Gateway with the Commissioner of Revenue after 90 days from the taking and the property must be of low value as noted above for calendar year 2026. The maximum valuation is adjusted using the percentage increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U) for the previous calendar year. The maximum limit for the calendar year is noted in an IGR that is published annually.**

**The Commissioner must decide if the parcel is of insufficient value to meet the taxes, interest and charges, and the tax taking appears to be valid. The Commissioner would issue an affidavit which must be recorded at the Registry of Deeds. The treasurer would then follow the notice requirements for the public auction.**

6c. Is Land of Low Value foreclosure constitutional?

**Yes. The Supreme Judicial Court found that G.L. c. 60, § 79 did not violate due process under the Fourteenth Amendment and Mass. Const. Declaration of Rights art. 10. Guaranty Mortgage Corp. v. Town of Burlington, 385 Mass. 411 (1982). There is also no equity theft since the amount bid for the property at the auction in excess of the amount due the municipality is held in the Land of Low Value account and can be paid to the person entitled to it if demanded within five years, otherwise the money will go to the municipality.**

[G.L. c. 60, § 79](#)

7a. A property was in tax title prior to November 1, 2024. However, the municipality did not receive a foreclosure decree before November 1, 2024, even though the treasurer did file a petition to foreclose the right of redemption before that date. Does the municipality have to adhere to the disposition process?

**Yes. Where the foreclosure decree was received after November 1, 2024, the municipality must adhere to the disposition process which went into effect as of November 1, 2024 and can be found in G.L. c. 60, § 64A.**

7b. You are the new collector and meet with the municipality's tax title attorney. During the meeting, you learn that there was a previous tax title on the parcel you recently did a tax taking on. How many tax titles can you have on a single parcel?

**There can only be one tax title on a parcel under G.L. c. 60, § 61. If taxes remain unpaid in subsequent years, the municipality does not create a new separate tax title and instead, those later unpaid taxes are certified and added to the existing tax title account.**

7c. Given this information, what should the collector do?

**The collector should disclaim the later recorded Instrument of Taking. The earlier recorded Instrument of Taking stands.**

[G.L. c. 60, § 64A](#)

[G.L. c. 60, § 61](#)

[G.L. c. 60 § 84](#)

[Chapter 140 of the Acts of 2024](#)

8a. Peaceful City received a foreclosure decree from Land Court. What must they do now and what is the timing?

**The foreclosure decree becomes final after the taxpayer's time to file an appeal has elapsed, which is generally 30 days after the entry of judgment by the Land Court or, if an appeal did occur, at the time a judgment has entered for the appeal. Under G.L. c. 60, § 64A, the municipality must elect to retain possession of the property or sell not more than 30 days after entry of judgment foreclosing the right of redemption becomes final.**

**For example, if Peaceful City receives a foreclosure decree January 2, 2029 and the homeowner does not appeal, then they have 60 days, which is until March 3, 2029, to decide to sell or keep the property.**

8b. The Peaceful City Treasurer has a question about the tax title interest rate. Where the tax title was entered into before November 1, 2024, what is the interest rate for subsequent years added to that tax title account?

**It would accrue at a rate of 16% for subsequent years.**

[Section 87 of Chapter 14 of the Acts of 2025](#)

[Bul-2025-6](#)

9a. You are the new treasurer and have learned that there are about fifteen taxpayers who are deferring taxes on their properties. What is the rate of interest on tax deferral accounts?

**The interest rate of a tax deferral under G.L. c. 59, § 5 Clause 41A is 8% or such lesser rate as may be determined by the legislative body of the city or town. The interest rate could vary depending upon when the agreement with the municipality was made.**

9b. You have learned that a taxpayer who had been deferring taxes recently died. What happens to the deferral account upon death? Does the interest rate change? What must the treasurer do if the amount due is not paid?

**Upon the conveyance of the property or death of the owner, interest on all amounts (tax and interest) deferred shall accrue at the rate of tax titles pursuant to G.L. c. 60, § 62 which for most deferring taxpayers would be 16%. For deferral agreements that are entered into on or after the new legislation's November 1, 2024 effective date, upon the conveyance or death of the property owner, the tax title interest rate on the deferral will be 8% rather than 16%.**

9c. Another taxpayer who had been deferring her taxes recorded a new deed, upon the advice of her attorney, whereby she added her daughter's name to the property. Does this action affect the deferral?

**Yes. All amounts deferred with interest are due and payable.**

[LFO-2025-1](#)

[G.L. c. 59, § 5](#) Clause 41A

[G.L. c. 60, § 62](#)

10a. May a treasurer accept partial payments when a parcel is in tax title?

**Under G.L. c. 60, § 62, a treasurer may accept installment payments of the amount in tax title. Upon accepting an installment payment, the treasurer may extend by written agreement for up to two years the treasurer's right to petition for foreclosure of the tax title. The written extension is important to the taxpayer. With some exceptions, absent a legally binding written "forbearance" agreement, the treasurer may file a foreclosure petition in Land Court as soon as twelve months after the tax taking.**

10b. A taxpayer wants to apply the partial payment to the tax obligation only. Can he do this?

**No. Any partial payment of the tax title must be applied first to the accrued interest, second to accrued collection charges and then to the tax or taxes in the chronological order of the year committed to the collector. The taxpayer cannot direct that a partial payment be applied to the tax obligations first.**

[BUL-2024-6](#)

[G.L. c. 60, § 62](#)

[G.L. c. 60, § 65](#)

[G.L. c. 60, § 3E](#)

11a. Can the treasurer waive interest or collection charges on delinquent taxes in a tax title account?

**A treasurer may waive interest on a tax title account only as authorized by an ordinance or bylaw adopted by the municipality to provide for payment agreements between the treasurer and taxpayers entitled to redeem parcels in tax title under G.L. c. 60, § 62A.**

**The payment agreements can last up to ten years, and waive up to 100 percent of the interest that would otherwise be owed if the taxpayer complies with the payment schedule in the agreement. Upon execution of the agreement, the taxpayer must pay at least 10 percent of the total amount needed to redeem at that time. The ordinance or bylaw must establish the parameters of the payment agreements, including the categories of eligible tax titles (e.g., residential or owner-occupied residential property, or commercial property) and the term and interest waiver that applies to agreements for those categories.**

**The ordinance and bylaw cannot modify the statutory interest rate or waive any collection costs or charges.**

11b. May a Collector waive interest and charges on a late tax payment?

**Collectors may waive interest, charges and fees whenever the amount of interest, charges and fees are \$15 or less. If the total of interest, charges and fees exceeds \$15, the collector may not waive any amount. G.L. c. 60, § 15. This provision is for the administrative convenience of collectors, so they will not have to enforce the collection of small amounts that may be due when payments arrive a day or so after the due date. Therefore, any allowed waiver of interest, charges and fees is at the sole discretion of the collector. Taxpayers have no right to a waiver.**

[G.L. c. 60, § 62A](#)

[G.L. c. 60, § 15](#)

12a. What does it mean to post a notice upon Class one, residential property? A municipality is inquiring because the residential property that prompted this question involves a condominium unit within a building.

**This requirement to post a notice upon Class one, residential property did not receive further clarification in Chapter 140 of the Acts of 2024. However, based on similar posting requirements not found in municipal finance law, the Court seems to focus, in part, on whether such a notice is posted in a conspicuous place. Other posting requirements have indicated that such a posting location should be one that can be easily seen and is accessible. In a traditional setting, this may mean on the front door of the property in question.**

**G.L. c. 59, § 2A defines "Class one, residential" as: property used or held for human habitation containing one or more dwelling units..." As defined, the definition of Class One residential seems to contemplate the building rather than a unit within that building. It seems that the posting requirement would be satisfied if placed on the front door of the building, i.e., the main entrance to a condominium complex.**

**In all cases, it is recommended that evidence of the posting requirement be obtained. Communities should consult with their municipal counsel concerning this matter.**

12b. The same municipality is questioning posting notice upon a Class One residential property where the parcel is currently vacant.

**The posting requirement could be satisfied by leaving the notice in a conspicuous, accessible and visible location. Perhaps the posting may be affixed to a tree or a stake.**

**In all cases, it is recommended that evidence of the posting requirement be obtained. Communities should consult with their municipal counsel concerning this matter.**

[Chapter 140 of the Acts of 2024](#)

[BUL-2025-8](#)

[G.L. c. 59, § 2A](#)

[G.L. c. 60, § 53](#)

13a. An overzealous board of assessors assessed personal property taxes to Henry Patterson for a business he operates in town. Patterson had incorporated the business under G.L. c. 156B and all the equipment and computers were leased from a leasing company. Patterson ignored the bill and did not file for an abatement. Can the collector successfully pursue collection?

**No. There is no taxable personal property and the corporation can assert a defense at any stage of the proceedings. Tax Collector of Braintree v. J.G. Grant & Sons, Inc., 26 Mass. App. Ct. 731 (1989).**

13b. If collection efforts are unsuccessful, what should the collector do?

**The collector should request the assessors to abate the taxes under G.L. c. 59, §71.**

13c. Patterson was told to pay the personal property tax bill or he would not receive certain licenses from the town. The abatement deadline has passed. Patterson believes the tax is uncollectible. What should Patterson do?

**He can pay the bill under written protest and sue within 3 months to recover the money back. G.L. c. 60, §98.**

[G.L. c. 59, §71](#)

[G.L. c. 60, §98](#)

[See also Chapter 6 of Course 101, Section 3.5, pg. 6-7](#)

14a. The Happy Town Collector mailed the tax bills and the local postmaster would not affix a postage mailing stamp to the Collector's certificate or affidavit affirming and authenticating that tax bills were mailed. Does the lack of a mailing stamp make the Collector's certificate of affidavit invalid?

**While it may be helpful for the date of mailing to be stamped on the form by the postmaster, such a stamp is not necessary for the validity of the affidavit. G.L. c. 60, § 3 provides that an affidavit of the collector or deputy sending the bill as to the time of sending shall be prima facie evidence that the bill was sent at such time. There is no provision of the statute requiring validation by the postmaster.**

14b. The Happy Town Collector's office is out of pennies to provide exact change when tax payments are made in cash. What is recommended?

**There is a potential for penny shortages as the U.S. Treasury has stopped minting the penny. To avoid this situation altogether, it may be prudent to suggest that taxpayers pay by check, electronic payment, or pay with exact change.**

**However, there is no overpayment of tax bills until the payments exceed the total amount of the commitment for the year. As such, overpayment does not occur until**

**payment of the total tax bill, so overpayments on earlier tax bills, e.g., a first half of a real estate tax bill, can be applied as a credit to a future bill, e.g., the second half of a real estate tax bill.**

14c. Can the town refuse to accept payments in cash as a matter of policy?

**No. As a matter of federal law, a town cannot refuse cash as payment for any bills. Under 31 U.S. Code § 5103, United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues.**

**Note that private companies are different. For example, if you go to Fenway Park, a vendor at Fenway could refuse to accept cash and require debit or credit card.**

14d. A taxpayer comes to town hall to pay their taxes and asks the collector if they can pay by cryptocurrency?

**Although Massachusetts does not currently have specific laws that prevent its municipalities from accepting digital currency, there is also no legal framework that allows for it. Also, it is not legal tender and is not backed by the government or central bank.**

[G.L. c. 60, § 3](#)

[Bul-2026-1](#)

[31 U.S. Code § 5103](#)

15a. A public improvement project was planned for one section of town. How is a betterments lien created?

**The Assessing Board must formally adopt an order for the construction of the improvement that describes the area to be benefited by the particular project and states that betterments or special assessments will be levied for the improvement.**

**The betterments lien is created by recording the order, plan and estimates at the Registry of Deeds within 90 days of (1) date the order was adopted or (2) town acceptance of street layouts, relocation or alterations, if acceptance required.**

15b. There has been a debate as to the timing of when sewer assessments should be made. When can sewer assessments be made?

**Assessments require authorization of the city or town's legislative body with respect to an ordinance or by-law regarding the cost split of the betterment well in advance of the project completion. The sewer assessment should be made within a reasonable time after project completion.**

15c. A taxpayer has received an assessment. She asks the collector what her options are. What are the options?

**The property owner may pay the assessment in full within 30 days after the bills are mailed without interest. Alternatively, the property owner can pay some or none of the assessment and request an apportionment of the unpaid balance over a period not to exceed 20 years with interest. A taxpayer could indicate a preference to pay it off over 5, 10, 15, or any number of years up to 20 years, but again, not in excess of 20 years.**

[IGR- 2021-1](#)

[G.L. c. 80, § 2](#)

[G.L. c. 80, § 13A](#)

[G.L. c. 80 § 13](#)

16a. An Assessing Board is issuing water assessments and some parcels are vacant. What must the Assessing Board do regarding water assessments to vacant parcels, the interest rate and payment of the assessment?

**The Assessing Board extends the time of payment of the assessment and interest thereon at the rate of four percent until it is built upon or for a fixed time; and the assessment and interest shall be paid within three months after such land is built upon or at the expiration of the fixed period.**

16b. Could a sewer assessment be suspended on vacant land? If so, what is the interest rate and payment requirement?

**Where the sewer assessment is on a vacant parcel, the Assessing Board may suspend the payment of the assessment until the parcel is built upon or for a fixed time at an interest rate of 4; however, the property owner must pay interest annually from the time the assessment was made.**

16c. For every developed property, what is the interest rate on a betterment?

**5% per year or alternatively, if the municipality or district borrowed for the project, at election of the city, town, or district, up to two percent above the borrowing rate. G.L. c. 80, § 13. Legislative body vote or bylaw/ordinance is required to use the alternative rate.**

[G.L. c. 40, § 42I](#)

[G.L. c. 83, 19](#)

[G.L. c. 80 § 13](#)

[IGR- 2021-1](#)

17. Back in 1979 sewer betterments were assessed on properties along the harbor. As of today in 2026, some of the original design is problematic and the system appears to be failing. The 1979 sewer system discharged outflow into the Bay. In 2026, a whole new system of force mains and pumping stations would stop any sewer outflow from going into the Bay. Is it possible that new sewer betterments could be assessed on the same properties?

**Yes. A prior sewer betterment that was assessed does not bar a new sewer betterment from being assessed. See Seiler v. Board of Sewer Commissioners of Hingham, 353 Mass. 452 (1968). (Town was not bound to maintain the design of the 1900 sewer system**

in perpetuity by the vote taken at the annual meeting of 1900. Neither that vote nor any payments made or to be made thereunder are a bar to assessments otherwise validly made for any changes in the design of that system or improvements thereto which result in special and particular benefits to the estates owned by the petitioners.)

[Seiler v. Board of Sewer Commissioners of Hingham, 353 Mass. 452 \(1968\)](#)  
[IGR- 2021-1](#)

18a. What does the collector do if the betterment assessment is not paid in full within 30 days after the bills were sent?

**The collector certifies the unpaid assessments to the Board of Assessors before they complete the annual real estate tax commitment list for the year that the assessments will first appear on the tax bill.**

18b. Can property be sold with a betterment?

**It is up to the new lender but outstanding balances will typically be paid-off at closing. There is no personal liability with a betterment but there is a lien.**

[G.L. c. 80, § 13](#)

19a. How do water utility liens arise?

**Municipal utility charges arise by operation of law the day after they are due provided that they bill the water at least twice a year. They do not need to be separately recorded at the Registry of Deeds. But to have a lien for the charges, the municipality or district must accept certain statutes, record a certificate of acceptance and meet other requirements. See G.L. c. 40, §§ 42A-42F.**

19b. Can a municipality add a delinquent trash charge to a property owner's tax bill?

**G.L. c. 44, §28C(f) authorizes cities and towns to establish and collect fees and charges for any solid waste disposal facilities or services and the statute establishes an automatic lien for delinquent trash charges and fees which allows municipalities to collect those charges by adding them to the property tax bills in the same manner as unpaid water and sewer charges.**

**Note that the town could establish a lien for trash fees under G.L. c. 40, § 58. Note that the recording fees must be paid initially by the municipality and the recording fees could be excessive. That statute authorizes cities and towns to impose a lien for any municipal charge and a town meeting vote would be required to do so. Under this statute, however, the lien does not arise automatically. Instead, the delinquent fees must be recorded by parcel and name at the registry of deeds to create the lien. Once the recording is made, the unpaid fee can then be added to and collected as part of the tax on the property.**

[G.L. c. 40, §§ 42A-42F](#) and [G.L. c. 83, §§ 16A-16F](#).

[See FAQ #29 on pgs. 8-9 of Local Tax Collection Frequently Asked Questions.](#)

[G.L. c. 40, §58](#)

[G.L. c. 44, §28C\(f\)](#)

20a. Party City has a municipal credit card that accrues rewards points. As of today, there is \$350 available on the card in rewards. Treasurer Ted Lasso is consulted about what may be done regarding the rewards points. What can Party City do with the rewards points?

**Possible options include requesting the credit card company to convert the rewards points to cash, so that the funds could be deposited into the town treasury or request converting the rewards to cash to pay some of the next municipal credit card bill. Party City could also look into what other credit cards offer.**

**Or the City could also, subject to appropriation, use cashback rewards points toward reasonable food costs for town employees attending an all-day meeting where educational information was provided and discussed. Or perhaps use it to provide reasonable food and refreshments for town meeting members at a town meeting.**

**DLS has opined that refreshments and meals may be served so long as they are modest and benefit the town by helping to keep participants alert and receptive or by enhancing efficiency by avoiding loss of time or disruption if participants leave the premises. Such refreshments and meals could be used to encourage continuity of service, enhance loyalty or to promote productive performance.**

20b. There has been a lot of discussion recently in Party City about internal controls the municipality has after reports have surfaced that the Mayor of the neighboring City of Serenity used a municipal credit card to pay for graduate school tuition and personal purchases at Home Depot for a deck project at her home. The report also noted that 60% of the purchases on the city-issued credit card had no receipts or supporting documentation. What should be recommended?

**If Party City does not already have a credit card policy, the City can work toward creating a robust policy that addresses legal concerns such as which local official may use a credit card in the performance of their duties. The policy should have an explicit ban on personal use, gift cards, alcohol and entertainment and adhere to procurement laws pursuant to G.L. c. 30B. It may provide for who has direct custody of the card, such as the Treasurer or Accountant.**

**It may set monthly limit caps by municipal vote and prohibit splitting charges to bypass cap limits. It may further require permitted officials to notify the vendor of municipal tax-exempt status. It can require original receipts that clearly indicate the date of purchase, the vendor, a description of the goods/services and total amount. It is also recommended that the policy include penalties such as loss of the privilege for use of the card and potential liability of payment by the credit card user along with an acknowledgement by the credit card user of receipt of the policy.**

[G.L. c. 44, § 53](#)

[G.L. c. 40, § 5](#)

[G.L. c. 30B](#)

21a. A microburst struck an apartment and office building in Pleasant Town and damaged the buildings. What is the first step the Selectboard must do?

**Pursuant to G.L. c. 139, § 1, after a hearing, it must make and record an order adjudging the buildings to be dangerous (unsafe structures) to the neighborhood and serve an official copy to the property owner.**

21b. The property owner of the buildings has indicated they do not have the funds to demolish the buildings. Does the Selectboard have authority to address this and demolish the impacted buildings?

**Yes, under G.L. c. 139, § 3, “shall have the same power...abate and remove... as is given to the board of health of a town under sections one hundred and twenty-three to one hundred and twenty-five, inclusive, of chapter one hundred and eleven.”**

**Also, under G.L. c. 139, § 3A, “a claim for the expense of such demolition or removal, including the cost of leveling the lot to uniform grade by a proper sanitary fill...shall constitute a debt due the city or town upon the completion of demolition, removal... render an account to the owner or his authorized agent, and shall be recoverable from such owner in an action of contract.”**

21c. What does the selectboard have to do now?

**It must record the demolition lien. A demolition lien arises upon recording a lien statement. A statement of claim must be filed with the Registry of Deeds for recording or registration within 90 days after the demolition debt becomes due at a rate of 6%.**

21d. What is the next step in the collection process?

**Add it to the real estate bill. Adding an unpaid demolition charge to the real estate tax on the property must be done for the next fiscal year after the filing of the statement of claim and only then can the charges be added and collected as part of the tax.**

[IGR-2021-14](#)

[G.L. c. 139, §§ 1, 3, 3A](#)

22a. The Board of Selectboard hired a private accounting firm to do a financial compliance audit of the town. In response to the open confirmation notices to the bank, it was discovered that there was one bank account with the town's federal identification number that had no known history. What questions should the auditor and treasurer pose to the bank?

**Who created the account and when? Who has signature authority for deposits and withdrawals? Also, get an activity report on the account since its inception. It could turn out to be a parent teacher organization that never should have had the FID number.**

22b. There was a bequest to the school committee for the school committee to expend funds for scholarships to be awarded to recent graduates of the high school. The school committee maintains separate bank accounts. Can the school committee retain custody of that money?

**They can under the Trustees of Melrose Library v Melrose 316 M 584 (1944). (Concerned right to retain the custody and control of the fund in question as trustees with the power to invest and to make payments therefrom in accordance with the terms of the bequest. Library trustees, not the city treasurer, had custody and control of such funds with full power of management and disposition in accordance with the terms of the bequests).**

22c. The new treasurer is also concerned about large amounts being held in student activity checking accounts controlled by the school principal. What are some of the safeguards that should be in place for the money?

**The school principal designated to operate and control such student activity account shall give bond to the municipality in such amount as the treasurer shall determine to secure the school principal's faithful performance of his/her duties in connection with the account.**

**Periodically, the municipal treasurer shall reimburse the student activity account, through the warrant process, to restore the limit set by the school committee.**

**There shall be an annual audit of the student activity funds which shall be conducted in accordance with procedures as agreed upon between the School Committee and the auditor based upon guidelines issued by DESE. In addition, DESE recommends the audit be performed by an outside independent audit firm once every three years for those with activities greater than \$25,000. In the intervening years, the audit may be conducted by a responsible individual independent of the student activities, with the approval of the School Committee. Such an individual could be the Town Accountant, who already has audit powers under G.L. c. 41, the Treasurer, or the School Business Manager if the School Business Manager is not involved in the administration or transactional processing of the student activities.**

[G.L. c. 71, § 47](#)

Trustees of Melrose Library v Melrose 316 M 584 (1944)

[G.L. c. 41, § 35](#)

MCTA Treasurer's Manual

DESE Procedures and Audit Guidelines: Student Activity Funds

23a. The Collector in Anytown Massachusetts notes a bankruptcy proceeding has been initiated in the US Bankruptcy Court, a federal court and the taxpayer has unpaid taxes and charges. What should be done?

**The Collector should notify local counsel. The local counsel will file a proof of claim with the clerk of the Bankruptcy Court.**

23b. The Collector in Anytown, Massachusetts has a follow up question about whether they can send a demand. Can they?

**The filing of a petition in bankruptcy operates as an automatic stay to prohibit efforts to enforce collection of obligations of the bankrupt debtor that arose before the filing of the petition. The stay remains in effect until the case is resolved and a demand should not be issued.**

[11 USC 362\(a\)](#)

24a. A journalist is interested in seeing if a Massachusetts Congressional candidate is current on taxes, assessments and charges on their property. Can the journalist request the MLC on the candidate's property?

**Yes under G.L. c. 60, § 23, the Collector furnishes to the MLC “to any person” who submits a written application and pays the statutory fee.**

24b. What is the cost the Collector can charge for the MLC of a single-family home?

**Municipal lien certificate fees are generally governed by G.L. c. 60, § 23, § 23A or § 23B, which provide for a fixed amount or a schedule of different fees for different types of properties. For example, G.L. c. 60 § 23 provides for \$25 and G.L. c. 60, § 23A provides for a fee of \$10 but some communities may charge more.**

**If a community accepted G.L. c. 40, § 22F, the collector could increase fees without any further vote, provided such increased fees were reasonable, which we take to mean not in excess of the costs of preparing and providing such lien certificates.**

24c. The Collector realizes there is an error on MLC and forgot to list the FY26 property tax. Has town lost its lien?

**Generally, liens for unpaid real estate taxes that have been committed to the collector will be discharged if the taxes are left off a municipal lien certificate that is recorded at the Registry of Deeds or registered in the Land Court section of the Registry within 150 days of its issuance. However, if the MLC was not recorded within 150 days of its issuance, the municipality didn't lost the lien for unpaid FY26 real estate tax.**

**Note that even if the lien is lost, the assessed owner is personally liable for the tax and can be collected through a civil suit brought by the collector.**

[G.L. c. 60 § 23; Tax Collection FAQs](#)

[G.L. c. 60, § 23A](#)

[G.L. c. 60, § 23B; G.L. c. 40, § 22F](#)

You are the new principal assessor and have learned from the town clerk that the collector and treasurer have not been bonded within ten days of their election.

25a. May the assessors commit a tax list to the collector to the collector?

**No. The assessors shall not commit a tax list to the collector until the bonds of the collector and the treasurer have been given and approved as required by law.**

25b. If one person holds the combined office of collector-treasurer, must there be two bonds?

**Yes. The person must have a bond for the collector's office and one for the treasurer's office. The bond is for the protection of the community. The cost of the bonds by statute is paid by the community and the statute contemplates a separate bond for each office.**

25c. Are assistant collectors and assistant treasurers required to obtain a bond?

**Yes. State statutes require them to be bonded.**

[G.L. c. 59, § 53](#)

[G.L. c. 60, § 13](#)

[G.L. c. 41, § 35](#)

[G.L. c. 41, § 46](#)

[G.L. c. 41, § 109A](#)

[G.L. c. 41, § 39A](#)

[G.L. c. 41, § 39C](#)

26a. A taxpayer timely paid the tax and submitted an abatement application and was granted an abatement. What is the interest on the amount abated?

**Abatement of paid tax refunded to the taxpayer includes interest at 8% per year on the amount. Interest is calculated on the refund from the due date or actual date of the preliminary or actual installment payment that resulted in the tax, as abated, being paid, whichever is later, to the refund date.**

26b. To what account is interest charged?

**Interest due the taxpayer is charged to the overlay account or an appropriation.**

26c. The town is wondering what to do if charging the interest to overlay would cause an overlay deficit?

**Must raise the deficit on the tax recap in the next fiscal year because its not an appropriation.**

[G.L. c. 59, § 69](#)

[G.L. c. 59, § 25](#)

27a. You have a balance in the treasurer's expense account of \$15,000 that is unencumbered as of June 30, 2026. Can it be carried over to the next fiscal year?

**No. Unencumbered and unexpended departmental funds close to the general fund at the end of the fiscal year and cannot be spent or appropriated until they are certified as free cash by the DLS Bureau of Accounts.**

27b. Can the selectboard give the treasurer a bonus of \$15,000 because he or she has done a great job?

**You cannot just pay out the balance of a department budget for a bonus. There has to be a specific appropriation for bonuses and a framework for deciding who makes the award and what the standards are for awarding the merit bonus.**

[G.L. c. 40, § 5](#)

28a. Municipal officials arrive to work one day in the Town of Sleepy Hollow and find they were hit by a ransomware attack and that their servers as well as documents and emails were frozen or locked. Thoughts immediately go to insurance and covering any municipal loss while the system is offline as well as any lawsuits from affected vendors. Will standard municipal liability policies cover this?

**Municipal general liability policies exclude cyber attacks and digital data loss and a bond only protects the municipality against internal theft. Public Entity Cyber Liability Insurance is necessary to protect the municipality.**

**As a side note, voluntary parting is a term that comes up in the context of municipal insurance and public risk management and is where an authorized municipal official hands over municipal funds to a scammer because they were deceived by a fraudulent scheme, trick or false pretense.**

**Standard insurance policies typically deny coverage under a voluntary parting exclusion and a specialized social engineering fraud endorsement or a cyber liability policy that overrides this exclusion is needed to protect the municipality in those situations.**

28b. What else can be done by a municipality to be prepared?

**In addition to having insurance for this type of event, develop plans for resilience that includes strategies to recover as quickly as possible, including developing a secondary data storage facility.**

**Municipalities can explore the Cybersecurity Health Check Program which provides no cost cybersecurity assessments for municipalities and school districts. The assessments help to identify vulnerabilities, evaluate existing protections and better understand areas where systems and infrastructure may be at risk.**

**There are also Cybersecurity Remediation Grants that help communities move from assessment to action by funding high-priority cybersecurity improvements directly connected**

to findings from the Health Checks. The remediation grant is an initiative is led by the Executive Office of Technology Services and Security (EOTSS) in partnership with the Community Compact Cabinet (CCC).

[Cybersecurity Health Check Program](#)

[Cybersecurity Health Check Program FAQ](#)

[Cybersecurity Remediation Grants](#)

29a. The books and records are in disarray in River Town. What would you do as the new collector?

**Under G.L. c. 60, § 97, “If a collector ceases to hold the office of collector for any reason, all his accounts, records and papers, including his warrant, which relate to the assessment and collection of taxes in his town shall, forthwith after an audit thereof has been made by a competent accountant, be deposited by him, or his executor or administrator, or any other person into whose possession they may come, with the assessors of such town, who thereupon shall turn over his uncollected tax lists to his successor, together with their warrant, which shall cover the uncollected accounts of the original commitment as shown on said lists and shall also turn over all his accounts, records and papers, including his warrant, so deposited with them, except said lists, to the clerk of said town. If the collector is his own successor, he shall complete the collection of the taxes as a part of the duties of his new term of office and not as a part of the duties of his former term of office.”**

**The assessors re-commit the uncollected tax lists and tax warrant to the new collector for collection and the new collector must obtain two separate bonds, one for the recommitted outstanding taxes and the second for new taxes anticipated to be committed for the year. This second bond covers new warrants issued to the successor from the time of his/her assuming office until his/her reappointment or election. G.L. c. 60, § 13.**

29b. Can the Collector who is upset also hold the office of Assessor?

**One person may not hold both roles pursuant to G.L. c. 41, § 24 which provides in part “In no city or town, including Boston, shall an assessor hold the office of collector of taxes or deputy collector of taxes...”**

[G.L. c. 60, § 97](#)

[G.L. c. 60, § 13](#)

[G.L. c. 41, § 24](#)

Donnie Wahlberg, a Massachusetts native, has been filming his series Boston Blue in the City of Boston. The town tax collector and the town attorney, who are both film buffs, appeared as extras in the latest episode. Both officials also recently became members of Screen Actors Guild. Upon learning the news, the selectmen were enthusiastic and scheduled an event at town hall to congratulate them on their achievements.

30a. The selectboard plans to hire a caterer who will prepare the food for a buffet luncheon out of their location in Boston for about 50 people at a cost of \$5,000. Is this a proper municipal expenditure?

**No. Refreshments served at official meetings or at a legitimate official event may be a proper expenditure so long as they are kept modest and benefit the town and are related to the public purpose of the department sponsoring the event. If the event is open only to select groups or individuals, or spouses are in attendance, it is more likely to be could be considered a private celebration and primarily of social character in nature.**

30b. Boston has accepted the local option meals excise. Will the local option meals tax be imposed by the catering firm on the town? What about if a selectboard member orders the food for the town event?

**If a purchase is exempt from the meals tax, then it is also exempt from the local option meals excise. See G.L. c. 64L, § 2(a).**

**If a selectboard member orders food for the town event, the purchase would be exempt if the member gives the restaurant a completed Exempt Purchaser Certificate (Form ST-5) and Certificate of Exemption (Form ST-2). Basically, the member would be acting as the town's agent and the purchase is essentially to the town. But if no certificates are presented, the meals tax and local option meals excise would be imposed.**

30c. The selectboard also plans to serve champagne to toast the town's latest film stars. Is this a proper municipal expenditure?

**No, G.L. c. 44, §58 provides that "No city or town shall pay a bill incurred by any official thereof for wines, liquors or cigars." The prohibition is not based on its funding source. Although the statute does not prohibit champagne by name, DLS has opined that the statute forbids the purchase of alcohol generally.**

[G.L. c. 40, § 5](#)

[G.L. c. 64L, § 2\(a\)](#)

[G.L. c. 64H, § 6](#)

[G.L. c. 44, § 58](#)