

# Arlington Town Meeting — Substitute Motion

ARTICLE NO. 21

Dated: 5/8/2026

I, Guillermo S. Hamlin, do hereby submit the following Substitute Motion:

To see if the Town will vote to amend Title I, Article 21 of the Town Bylaws by adding Sections (Art. 21, sec. 1-4) as follows:

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(ART. 26, ATM – 05/06/2009), (ART. 23, ATM – 05/27/11) In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges: a) parking-violation charges b) motor-vehicle excise taxes c) rental charges for town or school property and facilities d) public-safety details e) license, permit, and inspection fees f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws g) charges assessed for enforcement of Junk Car remediation under Title V, Article 2, Section 2 of these Bylaws; h) charges assessed for enforcement of Minimum Standards of Fitness for Human Habitation under the State Sanitation Code; i) charges assessed for removal of a “public health nuisance” defined by G.L. c. 111 sec. 125; upon non-payment of any such charge by its due date and upon request to the Town Treasurer by the municipal board or officer empowered to issue the license, permit, or certificate or to render the service or to perform the work for which the charge is assessed.

## **Section 1. Definitions**

**For purposes of this article, the following terms shall have the meanings provided in state law and consistent with the Town’s existing practices:**

- 1. Tax Lien. A lien imposed under G.L. c. 60 for unpaid real-estate taxes and associated charges.**
- 2. Homeowner. A person or entity holding legal title to residential real property in the Town.**
- 3. Delinquent Amount. The unpaid taxes, interest, charges, and penalties lawfully due under G.L. c. 60.**

## **Section 2. Policy Statement**

- 1. Compliance with State Law. The Town shall administer tax-lien enforcement in conformity with G.L. c. 60 and any amendments thereto. It shall not seek to recover surplus equity beyond what is authorized by state law.**
- 2. No Sale or Assignment to Private Third Parties Unless Permitted by State Law. The Treasurer–Collector shall not unduly sell or assign tax liens on residential property to any**

private purchaser unless such sale is expressly authorized under G.L. c. 60, sec. 52, or other applicable law.

3. Municipal Enforcement. The Town retains its statutory right to foreclose tax liens or to use the services of the deputy collector as provided by state law. Nothing herein shall be construed to prevent enforcement actions necessary to collect unpaid taxes or to protect the Town's financial interests.

### Section 3. Notification and Payment-Plan Practices

1. Early Notice. Within 30 days after a tax bill becomes delinquent, the Treasurer-Collector may send the homeowner a courtesy notice by postage mail or electronic mail (if the taxpayer has provided an email address) describing the delinquent amount, available payment-plan options under G.L. c. 60, sec. 62A, and a warning that continued non-payment could result in a tax lien.
2. Payment Plans. Before recording a tax taking under G.L. c. 60, sec. 53, the Treasurer-Collector may offer the homeowner a reasonable payment plan consistent with G.L. c. 60, sec. 62A. Acceptance or rejection of a payment plan shall not impair the Town's legal remedies.
3. Notice to Tenants and Social-Service Agencies. Where owner occupancy is uncertain, the Treasurer-Collector may send a courtesy notice to the occupant ("Current Tenant"), advising them to inform the owner of the delinquency. The Treasurer may also inform the Town's Council on Aging or similar social-service agencies when a delinquent property appears to be owner-occupied, and the owner is elderly or disabled, subject to privacy laws.
4. No creation of private right. This section is intended solely to guide the Town's internal procedures; it does not create any private right of action, nor does it affect the validity of any tax taking or lien under state law. Failure of the Treasurer/Collector to provide the supplemental notice required by this section shall not invalidate any tax title or foreclosure.

### Section 4. Severability

If any provision of this article is determined invalid, it shall not affect the validity of other provisions or the application of the article to other situations.

#### **Comment:**

This amendment empowers Town Meeting Members to verify compliance with equity protection during tax collection at Annual Town Meeting. Members may advocate for residents when seeking excess equity returns under G.L. c. 60, § 64A, within 12 months of the act. It promotes transparency, equity, and proactive outreach to avert tax lien foreclosures.

Date Voted: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Respectfully submitted,  
/s/ Guillermo S. Hamlin  
Precinct 14