



City of Cambridge

-12-

Calendar Item No. 18
IN CITY COUNCIL

~~August 7, 1989~~
September 11, 1989

VICE MAYOR WOLF

WHEREAS: It has come to the attention of this City Council that by acceptance of Chapter 40, Section 57 of the General Laws of the Commonwealth, the City Council may pass an ordinance allowing the Cambridge License Commission to "deny, revoke, or suspend any license or permit" for "non-payment of local taxes, fees, assessments, betterments, or any other municipal charges," now therefore be it

ORDERED: That the City Council hereby accepts Section 57 of Chapter 40 of the General Laws of Massachusetts and requests the City Manager to request that the Law Department draft an ordinance that gives the License Commission the power to deny, revoke, or suspend licenses on the basis of non-payment of municipal taxes and charges in compliance with the provisions of Chapter 40, Section 57 of the General Laws of the Commonwealth; and be it further

ORDERED: That this ordinance be submitted to the Council at its first meeting in September.

In City Council September 11, 1989.
Adopted by the affirmative vote of eight members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton

Joseph E. Connarton, City Clerk.



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8/7/89 - CHARTER RIGHT EXERCISED BY COUNCILLOR WALTER SULLIVAN



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*Mary -
I changed this*



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Historical Note**1987 Legislation**

St.1987, c. 348, § 1, an emergency act, approved Aug. 3, 1987, rewrote this section.

PERCENTAGES OF LOCAL PROPERTY TAX LEVY**§ 56. Percentages of local tax levy for property****Law Review Commentaries**

Real estate taxation; legislation; classification amendment. Richard A. Goren, 26 Ann.Surv. Mass.L. 478 (1979).

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

Caption editorially supplied

§ 57. Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges

Any city and town which accepts the provisions of this section, may by by-law or ordinance deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

Added by St.1985, c. 640.

Historical Note

1985 Enactment. St.1985, c. 640, was approved Dec. 23, 1985.

MUNICIPAL CHARGES LIENS

Caption editorially supplied

§ 58. Municipal charges lien

Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Added by St.1987, c. 626.

Historical Note

1987 Legislation

St.1987, c. 626, an emergency act, was approved Dec. 30, 1987.

§ 1-1. Declaration of emergency

WESTLAW Electronic Research
See WESTLAW Electronic Research
lowing the Preface.

Notes of Decisions

2. In general

Department of Housing and Urban
ment's rent regulation of certain pro
not, of its own force, preempt local r
statutes. Rent Control Bd. of Ca
Cambridge Tower Corp. (1985) 477 N
394 Mass. 809.

6. Exempt property

City landlord or building owner ma
erly remove rental unit from rental m

§ 1-5. Local rent board or ad

Notes of Decisions

1. In general

Scofield v. Berman & Sons, Inc.
N.E.2d 805, 393 Mass. 95, appeal dis
S.Ct. 1157 [main volume] 469 U.S. 120
2d 311.

3. Rules and regulations

Scofield v. Berman & Sons, Inc.
N.E.2d 805, 393 Mass. 95, appeal dis

§ 1-9. Evictions

Notes of Decisions

8. Just cause

Clause in lease prohibiting unauth
pants was not unconscionable and
Rent Control Board erred as matter

§ 1-10. Judicial review

Notes of Decisions

1. In general

Defense of retaliatory eviction w
court and not Rent Control Board; to
Control Board to deny an application f
icate of eviction based upon its conc
the landlord was motivated by retal
poses, would arguably impinge upon
right to a jury determination or court
tion of that issue. Post v. Brookline
trol Bd., 1984 Mass.App.Div. 251.

6. Scope of review

Under statutory scheme applicable
question, scope of judicial review of



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Order #12

Cal #18
588

VM Wolf order re: that the City Council accept Section 57 of Chapter 40 of the Mass. General Laws & requesting the City Manager to ask the Law Dept. to draft an ordinance that gives the License Commission the power to deny, revoke or suspend licenses on the basis of non-payment of municipal taxes & charges in compliance with the provisions of this Section.

In City Council,

August 7, 1989

8-7-89

CHARTER RIGHT
BY C. W. Sullivan

9-11-89 Order adopted
by the affirmative
vote of 8 members