

Tax foreclosure: Springfield resident taking city to SJC over home equity ‘theft’

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The John Adams Courthouse, home to the Massachusetts Supreme Judicial Court. (Chris Van Buskirk / MassLive)

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BOSTON — In 2016, Springfield resident Ashley Mills was struggling to pay nearly \$2,000 in property taxes she owed the city. That amount has risen to over \$20,000, because of interest and related charges. Not only is she at risk of losing her family home to foreclosure, but also her home equity on the mortgage-free residence. Behind it all is the fear of becoming one of the state’s many families without a home. Her predicament is because of Chapter 60, the state law governing tax foreclosures — or losing your home because of unpaid property taxes.

Alongside her legal team — including the Pioneer Public Interest Law Center and Greater Boston Legal Services — Mills now is taking her case to the state Supreme Judicial Court,

where she is hoping the statute in Massachusetts will change, so that she, and people like her, do not lose their homes or equity to their town or city of residence.

“This is the first case of this kind in Massachusetts,” said Frank Bailey, attorney on Mills’ case and president of the law center, on Monday. “But it’s not the first of its kind in the country. In May, the U.S. Supreme Court made a unanimous decision in [Tyler v. Hennepin County, Minnesota](#), declaring the taking of houses unconstitutional, as it violated the Takings Clause of the Fifth Amendment of the U.S. Constitution.

“The Minnesota statute is identical to the Massachusetts statute, so we are almost confident that the state Supreme Court will take our amendments for Chapter 60 into consideration,” Bailey said.

Bailey said the joint legal team is pushing for these changes to the statute:

- more flexible payment plans, so that people can stay in their homes;
- a reduction in the interest rates (currently interest rates are at 16 percent per year);
- and for the wording of notices left at peoples’ homes when they are at risk to tax foreclosure to be changed from legal terminology to laymen’s English.

The attorneys also are asking that the Supreme Court stop all tax foreclosure takings for 90 days.

Mills, the victim in this case, is 25. She inherited her home from her grandmother, and now lives there with her mother, who is disabled, and her 22-month-old son. “This home is her only financial asset,” Bailey said. “If it is foreclosed on, and she does not receive the more than \$200,000 of remaining equity after the tax debt is satisfied, Ashley, her toddler, and her disabled mother are at risk of becoming homeless.” And Mills is just one of hundreds of people in Springfield alone who has been faced with this predicament.

A spokesman for Springfield Mayor Domenic J. Sarno did not return requests for comment when asked about the state Supreme Judicial Court case.

As Mills waits for her case to be heard, her lawyers are seeking a Supreme Court judge to order an injunction, so that she can remain in her home. “This has already been so much for her and her family,” Bailey continued. “If they deny the injunction, the 16% interest rate on her property taxes will continue to accrue, leaving her in limbo.”

After the Supreme Court’s decision regarding the Minnesota case, other states such as New York and Nebraska already have changed their bills to be in line with the Tyler ruling.

“We are encouraging legislators to finish the work in the commonwealth, so that Chapter 60 will be in line with Tyler, too,” Bailey said.