

Linda Wollschlager
September 6, 2023
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I decline to discuss or opine on the details of any such bargaining or the scope of the Town's obligation, as that is potentially a subject for future bargaining and bargaining strategy.

2. Article 33: Ensuring Stability: A Proposal for Fixed Annual Real Estate Tax for Long-Term Homeowner

The proposed motion is as follows:

Be it resolved that homeowners who have been residents of the Town of Natick for twenty-five years, have consistently paid their real estate taxes, and continue to live in the same residence, shall have their real estate tax amount fixed at the rate of the twenty-fifth year for as long as they remain in the home as their primary residence.

As an initial matter, this motion is styled as a "resolution." Under Article 39 of the 2021 Fall Annual Town meeting, Article 3 of the Natick Town Bylaws was revised by adding a new section 12 concerning resolutions. Pursuant to Article 3, section 12, at Natick Town meeting, resolutions are either "complimentary," as provided in Town Meeting Time, or may be non-binding and submitted as a warrant article. As a result, I suggest that at the most, this article be considered as a non-binding resolution. This motion could not be more than a non-binding resolution, as it does not direct anyone in the Town to take any particular action, nor does it seek to amend the Bylaws, or the Charter, and as such has no method to implement and/or enforce its language.

Finally, it is my preliminary opinion that the action contemplated in the motion conflicts with state law concerning the provision of property tax abatements to residents, and with federal law under the Equal Protection doctrines, and potentially the Privileges and Immunities clause. Subject to further discussion with the Municipal Law Group of the Attorney General's Office, I do not believe a bylaw or charter provision creating a program consistent with the motion could be approved. In my opinion, the only possible way to effectuate such a program, if it could even be created, would be through a special act.

I hope this opinion is useful. Please contact me with any questions or concerns.

Sincerely,

Karis L. North /s/

Karis L. North

cc: Jamie Errickson, Town Administrator