

RESOLUTION NO. 87

Offered by Legislator Lockwood, Lauzon, Janisewski, Dumas,
Martin, Sparks & Ellis

Relating to Calling on Governor Hochul to Remove Part M of
Article VII Revenue Bills From the 2024 Executive
Budget

WHEREAS: The Governor announced the NYS 2024 Executive Budget
on February 1, 2023, which includes Article VII Revenue Bills; and

WHEREAS: Article VII Revenue Bills, includes Part M, adding
a new section 989 of the Real Property Tax Law (RPTL) titled
"Distribution of surplus in tax enforcement proceedings". This
budget legislation proposes that when a tax delinquent property is
foreclosed upon by the county and sold, any money the county
receives that exceeds the liability amount (e.g., overdue taxes,
penalties, interest, mortgage liens, etc.) will be returned to the
property owner, minus applicable administrative costs to the local
government; and

WHEREAS: This proposed budget legislation should be removed
from the Governor's FY 2024 Budget for numerous reasons, including:
1) it is unconstitutional since Article VIII, Section 1 of the
NYS Constitution restricts a county from giving any money to or in
aid of any individual, private corporation or association or
private undertaking; (2) it is unfair to lien holders since all
liens are cut off by Section 1131 of Article 11 of the RPTL at the
time an interested party fails to redeem or answer, which time
occurs prior to the County taking title and selling the parcel;
(3) it is practically impossible for a county to accurately account
for all administrative costs associated with enforcement of taxes
for numerous parcels during a two-three year time period involving
subcontractors and staff from multiple departments; (4) it is
unclear whether litigation costs incurred in enforcement under
Article 11 are included; (5) the number of unpaid, delinquent
parcels are likely to increase with owners knowing that they do
not have to pay lien holders and others by allowing the property
to go to foreclosure sale; (6) the proposed budget legislation
does not address the common circumstance where there is no "prior
owner" who responds or the prior owner is deceased with no estate
to accept any surplus payment; and (7) the proposed budget
legislation is unfair to the majority of property owners in the
County who timely pay their taxes and/or properly sell their homes
when they no longer desire to own; NOW, THEREFORE, BE IT

RESOLVED: That the Franklin County Board of Legislators calls
upon the Governor to remove Part M of the Revenue Bills from the
FY 2024 Executive Budget; and, be it

FURTHER RESOLVED: That the Clerk of the Board is directed to
forward certified copies of this resolution to Governor Hochul,
Senator Daniel Stec, Assemblyman D. Billy Jones, and New York State
Association of Counties.

