RESOLUTION NO. 23-286

RESOLUTION CALLING ON THE GOVERNOR OF NEW YORK STATE TO REMOVE FROM THE 2024 EXECUTIVE BUDGET PART M OF THE ARTICLE VII REVENUE BILLS

By: Margeson

Seconded by: Burin

WHEREAS, On February 1, 2023, the Governor of New York State announced New York State's Fiscal Year 2024 Executive Budget (the "Budget"); and

WHEREAS, the Budget 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 titled "Distribution of surplus in tax enforcement proceedings" ("Proposed Budget Legislation"); and

WHEREAS, the Proposed Budget Legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law ("RPTL") to give excess money to a prior owner of real property sold by the municipality after taking title pursuant to Article 11 of the RPTL; and

WHEREAS, the Proposed Budget Legislation should be removed from the Fiscal Year ("FY") 2024 Budget because (1) it is unconstitutional since Article VIII, Section 1 of the New York Constitution restricts a county from giving any money to or in aid of any individual, or 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 at the time an interested party fails to redeem or answer, which time comes prior to the County taking title and selling the parcel, (3) it will be practically impossible for a county to accurately account for all administrative costs associated with administering enforcement of taxes for thousands of parcels during a two year time period involving subcontractors and staff from multiple departments, (4) it is unclear whether litigation costs incurred in enforcing taxes pursuant to Article 11 would be included, (5) the number of unpaid parcels are likely to increase with owners knowing that they do not have to pay lien holders, including the mortgage lien on their home, real estate agents and other costs that would be required absent this Proposed Budget Legislation, (6) the Proposed Budget Legislation does not address the circumstances where there is no "prior owner" or the prior owner has deceased or the method and attempts required to ensure that the "prior owner" accepts payment and (7) it is unfair to the gross majority of parcel owners in the County who timely pay their taxes or properly sell their home if they no longer desire to own it; and

WHEREAS, the County Executive and County Legislature have reviewed this resolution and recommend that the Governor remove Part M from the FY 2024 Executive Budget; now, therefore, be it

RESOLVED, that Chemung County, NY hereby calls on the Governor of New York State to remove from the FY 2024 Executive Budget Part M of the Revenue Bills; and further, be it

RESOLVED, That the Clerk of this Legislature transmit a certified copy of this resolution to Governor Kathy Hochul and Chemung County's representatives in the New York State Legislature: Senator Tom O'Mara , Assemblymen Phil Palmesano and Christopher Friend. With copies sent to the Chemung County Executive, County Attorney, County Treasurer, and Director of Real Property.

Ayes: Morse, Saglibene, Brennan, Donovan, Palmer, Pickering, Burin Chalk, Stermer, McCarthy, Smith, Strange, Margeson (Chairman) (14); Opposed: None (0); Excused: Sweet (1)

STATE OF NEW YORK)
COUNTY OF CHEMUNG) SS:

THIS IS TO CERTIFY, that I, the undersigned Clerk of the Chemung County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Chemung County Legislature on the 10th day of April 2023, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Chemung County Legislature this 11th day of April 2023.

_____*Cynthia G. Kalweit*_____

Cynthia G. Kalweit, Clerk
Chemung County Legislature