



HERKIMER COUNTY LEGISLATURE

No. 98

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

Sponsored by: Committee on Administration/Veterans' Affairs

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", and

WHEREAS, this budget legislation proposes that when a tax delinquent property is foreclosed upon by the county and sold, any money the county received that exceeds the liability amount 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 because (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 lienholders 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 to 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 lienholders 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) it 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 them; now, therefore, be it

RESOLVED, that the Herkimer 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 certified copies of this Resolution be forwarded to Governor Kathy Hochul, Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congresswoman Elise Stefanik, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, and the New York State Association of Counties.

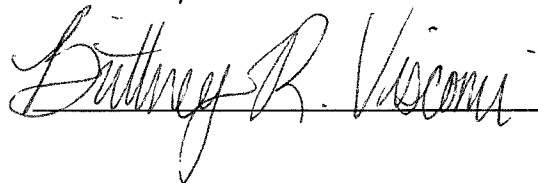
Dated: March 15, 2023.

STATE OF NEW YORK)
COUNTY OF HERKIMER) SS.
LEGISLATURE CHAMBERS)

I, BRITTNEY R. VISCOMI, Clerk of the Legislature of Herkimer County, do hereby certify that I have compared the foregoing copy of Resolution No. 98 with the original duly adopted by the Herkimer County Legislature at a regular session held on the 15th day of March, 2023, and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said Legislature on this 16th day of March, 2023.

L.S.

 Clerk