

RESOLUTION OPPOSING 2021 SENATE BILL 829 RELATING TO THE DISTRIBUTION OF PROCEEDS FROM THE SALE OF TAX DELINQUENT PROPERTY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, under current law, counties retain the net proceeds from the sale of tax
2 delinquent property unless the property was the homestead of the former owner and the former
3 owner requests such payment; and
4

5 WHEREAS, counties bear the sole risk of loss when foreclosing on tax delinquent
6 properties; and
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8 WHEREAS, before a tax delinquent property is foreclosed upon, the property must be tax
9 delinquent for a minimum of three years; and
10

11 WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice
12 of the pending foreclosure action and is given the opportunity to pay the back taxes including the
13 opportunity to enter into a long term repayment plan; and
14

15 WHEREAS, 2021 SB 829/AB 889 would require the county to pay the net proceeds of the
16 sale of any property to any former owner of tax delinquent property, regardless of whether the
17 former owner requests payment and regardless of whether the former owner used the property as
18 his or her homestead; and
19

20 WHEREAS, 2021 SB 829/AB 889 would further require the county to pay off any lien
21 placed on the property at the time of the foreclosure sale in accordance with the contract or law
22 giving rise to the lien; and
23

24 WHEREAS, 2021 SB 829/AB 889 would shift the risk of loss onto the county causing the
25 county to not exercise its authority to foreclose on tax delinquent properties leading to many
26 blighted properties in communities throughout the county; and
27

28 WHEREAS, 2021 SB 829/AB 889 is imprudent for a multitude of additional reasons
29 including: (1) county treasurers are not trained in complex commercial law, nor do they have the
30 time or resources available to determine the priority of liens; (2) most often in tax foreclosures,
31 property owners are not responsive leading to uncertainty as to what to do with unclaimed funds;
32 (3) the proposed bill would have the county act as a realtor for private parties, while those services
33 can and should be provided by the private sector; and (4) the bill would require the treasurer to
34 make complex ownership decisions (e.g. unknown proportional tenant-in-common ownership
35 interest by two unrelated parties, dissolved limited liability corporations, closed estates) when
36 disbursing excess proceeds, which treasurers are neither trained in nor do they have the required
37 time or resources available; and
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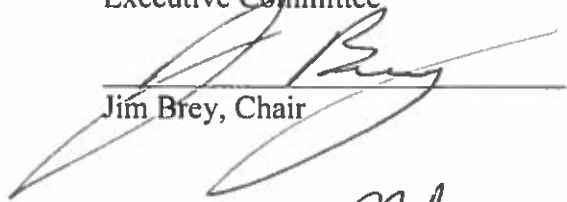
39 WHEREAS, after careful consideration and review, the Executive Committee recommends
40 Manitowoc County oppose 2021 SB 829 and 2021 AB 889;

41
42 NOW THEREFOR BE IT RESOLVED that the county board of supervisors of the county
43 of Manitowoc opposes 2021 SB 829 and 2021 AB 889 or bills that contain similar provisions; and
44

45 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
46 resolution to Governor Evers and the legislators for Manitowoc County.

Dated this 15th day of February 2022.

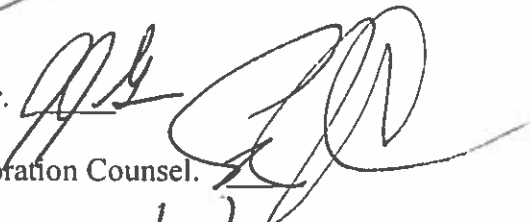
Respectfully submitted by the
Executive Committee



Jim Brey, Chair

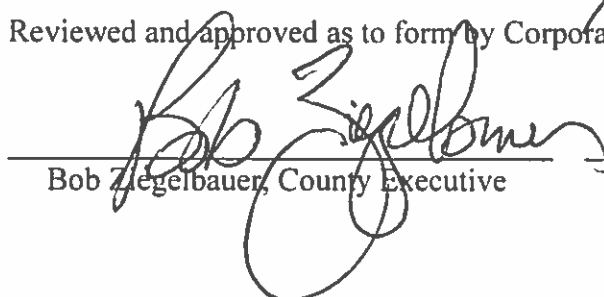
FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director.



LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel.

APPROVED:



Bob Ziegelbauer, County Executive

2/15/2022
Date

Resolution 2021/2022-59 Opposing 2021 Senate Bill 829 Relating to the Distribution of Proceeds from the Sales Tax Delinquent Property

VOTING RESULTS

21 YES 0 NO 0 ABSTAIN 4 ABSENT

Resolution 2021/2022-59
Opposing 2021 Senate Bill 829 Relating to the Distribution of Proceeds from the Sale of Tax Delinquent Property

 **Passed By Majority Vote**

Linsmeier - 1	YES	Baumann - 14	ABSENT
Nickels - 2	YES	Wagner - 15	YES
Metzger - 3	YES	Cavanaugh - 16	ABSENT
Brey - 4	YES	Mareh - 17	YES
Martell - 5	YES	Muench - 18	YES
Hansen - 6	YES	Falkowski - 19	YES
Vogt - 7	YES	Engelbrecht - 20	YES
Williams - 8	YES	Gerroll - 21	S
Sitkiewitz - 9	YES	Dyzak - 22	YES
Zimmer - 10	YES	Henrickson - 23	YES
Aulik - 11	ABSENT	Hagen - 24	YES
Behnke - 12	M	Shimulunas - 25	YES
Neils - 13	ABSENT		

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