

RESOLUTION # 2022-24

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

TO THE WASHBURN COUNTY BOARD OF SUPERVISORS:

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

WHEREAS, counties bear the sole risk of loss when foreclosing on tax delinquent properties; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be tax delinquent for a minimum of three years; and

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

WHEREAS, 2021 SB 829/AB889 would require the county to pay the net proceeds of the sale of any property to any former owner of tax delinquent property, regardless of whether the former owner requests payment and regardless of whether the former owner used the property as his or her homestead; and

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

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

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

WHEREAS, after careful consideration and review, the Executive Committee recommends Washburn County oppose 2021 SB 829 and 2021 AB 889;

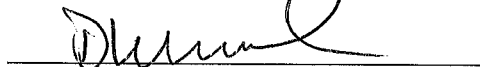
NOW THEREFOR BE IT RESOLVED that the county board of supervisors of the county of Washburn opposes 2021 SB 829 and 2021 AB 889 or bills that contain similar provisions; and

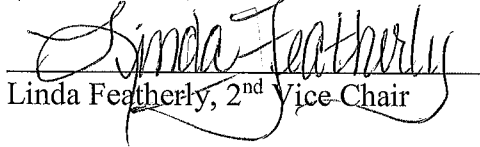
BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to Governor Evers and the legislators for Washburn County.

FISCAL IMPACT: None

Recommended for adoption by the Washburn County Executive Committee on March 9, 2022 and approved by the Washburn County Board of Supervisors this 15th day of March, 2022.


Thomas J. Mackie, County Board Chair


David Wilson, 1st Vice Chair

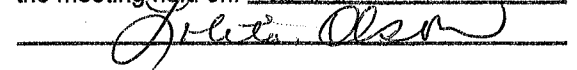

Linda Featherly, 2nd Vice Chair

David Haessig, Member


Hank Graber, Member

Motion: D. Wilson Second: S. Smith
(Voice) (Roll) vote: Yes 17 No 1 (P. Johnson)

I, Lolita Olson, as County Clerk, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the County of Washburn at the meeting held on: 3-15-2022



Lolita Olson