

DEPARTMENT OF TAXATION

2022 Fiscal Impact Statement

1. **Patron** John S. Edwards

3. **Committee** House Finance

4. **Title** Delinquent Tax Lands; Disposition

2. **Bill Number** SB 142

House of Origin:

 Introduced

 Substitute

 Engrossed

Second House:

 X **In Committee**

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would authorize localities to have a special commissioner appointed to convey certain real estate having delinquent taxes or liens to the locality's land bank entity or to an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity.

Under current law, the locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction.

If enacted during the regular session of the 2022 General Assembly, this bill would become effective July 1, 2022.

6. **Budget amendment necessary:** No

7. **Fiscal Impact Estimates are:** Not available. (See Line 8.)

8. **Fiscal implications:**

Administrative Costs

This bill could result in administrative costs to localities based on the new authority. It would have no impact on state administrative costs.

Revenue Impact

This bill could have an unknown impact on local revenues. It would have no impact on state revenues.

9. **Specific agency or political subdivisions affected:** All localities

10. **Technical amendment necessary:** No

11. Other comments:

Background

Localities have a broad array of tools to collect taxes and liens including collection from the taxpayer's bank account, wages, or income tax refunds, suits against the taxpayer personally, and sale of the real estate to which the tax lien has attached.

State law provides that a locality may petition the circuit court to appoint a special commissioner to execute the necessary deed or deeds to convey the real estate to the locality in lieu of the sale at public auction, for parcels of real where:

- Each parcel has delinquent real estate taxes or the locality has a lien against the parcel for removal, repair or securing of a building or structure; removal of trash, garbage, refuse, litter; or the cutting of grass, weeds or other foreign growth;
- Each parcel has an assessed value of \$75,000 or less; and
- Either (a) such taxes and liens, together, including penalty and accumulated interest, exceed 50 percent of the assessed value of the parcel or, (b) such taxes alone exceed 25 percent of the assessed value of the parcel.

Proposal

This bill would authorize localities to have a special commissioner appointed to convey certain real estate having delinquent taxes or liens to the locality's land bank entity or to an existing nonprofit entity designated by the locality to carry out the functions of a land bank entity. In addition, this bill would extend the existing treatment that applies to appointments of a special commissioner so that it would apply to qualifying parcels containing a structure that is a derelict building if such taxes and liens together, including penalty and accumulated interest, exceed 10 percent of the assessed value of the parcel.

If enacted during the regular session of the 2022 General Assembly, this bill would become effective July 1, 2022.

Similar Legislation

House Bill 298 is identical to this bill, except that it would require the land bank or nonprofit receiving any parcel under this process to sell the property to a third party in an arms-length transaction; or if the land bank entity or existing nonprofit entity develops the property before selling it, make such sale within a reasonable period of time after completing such development; or if the land bank entity or existing nonprofit entity does not intend to sell the property, pay to the beneficiaries of any liens against the property and to the former owner, his heirs or assigns any surplus, that would result if the property were sold and the proceeds distributed.

cc : Secretary of Finance

Date: 2/20/2022 SK
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