

STAFF REPORT

AGENDA ITEM #: 22-135
COUNCIL MTG OF: December 06, 2022
FROM: David Caron, Town Administrator
OFFERED BY: Mark Fleischer
PREPARED BY: Stacey Beliveau
SUBJECT: Tax Collector's deed waivers for 2019 Tax Liens

PURPOSE: Request approval of deed waivers for the 2019 Tax Liens.

TOWN ADMINISTRATOR COMMENTS: This annual process is necessary for the Town Council, per statute, to direct the Tax Collector that tax deeds on certain properties will not be accepted by the Council. A majority of these properties are owned by taxpayers who have entered into a payment agreement with the Tax Collector

BACKGROUND: On April 09, 2020, the unpaid balances of the 2019 tax bills were liened at the Rockingham County Registry of Deeds. According to RSA 80:76 (attached), "the collector, after 2 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed." RSA 80:76 also provides the Town Council specific (Paragraph II) and subjective (Paragraph II-a) reasons to waive tax deeding.

For a multitude of reasons, the Town presently has 22 parcels that are eligible for tax deeding.

DISCUSSION: Please see Attachments A & B.

- Attachment A lists the properties subject to the issuance of a Tax Collector's deed. This list consists of one property. All have outstanding lien balances for 2019 liens. The list consists of one condo. The information presented includes the 2022 assessed value, total 2019 unpaid balances as of November 29, 2022, as well as the total balance for all tax years and individual notes for each property.
- Attachment B is the list of properties not recommended for deeding, referred as "deed waiver". These twenty-one properties are recommended for waivers due to potential liability risk or undesirable obligations. The information presented includes a column of notes that briefly describes the reason for recommending a deed waiver.

FISCAL IMPACT: Attachment A The execution of the Tax Collector's Deed on the 1 parcel will reduce tax revenues. The intent of tax deeding, however, is to sell the property in anticipation of collecting an equal or greater amount of revenue and returning the properties to the tax rolls.

Attachment B would mean a delay in payments or deeding of these properties but should be recoverable at a later date.

RECOMMENDED MOTION:

Please see Resolution #2022-087



RESOLUTION

Number 2022-087

To Direct the Tax Collector not to Execute Certain Tax Deeds

WHEREAS, Section 5.1 of the Town Charter establishes the Town Council as the legislative and governing body of the Town; and

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the Town; and

WHEREAS, pursuant to RSA 80:76 II and II-a, the Governing Body may refuse to accept a deed on certain properties, whenever in its judgment acceptance and ownership of those properties would subject the municipality to undesirable obligations or liability risks; and

WHEREAS, the Town has identified properties eligible for tax deed however acceptance of ownership would not be in the Town's best interest;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed as set forth on the attached list; pursuant to RSA 80:76 III, the Council may revisit this decision at any time and may later direct the Tax Collector to issue a deed for the property subject to this directive.

This Resolution shall take effect immediately upon its passage.

Adopted: December 6, 2022

Attest:

X _____

Joshua Bourdon, Council Chair

Date: _____

X _____

Cristina Guilford, Town Clerk

Date: _____