

Introduced by Presiding Officer, on the request of the County Executive and Legislator
Beedenbender

**HOME RULE MESSAGE REQUESTING THE STATE OF
NEW YORK TO AMEND CHAPTER 311 OF THE LAWS
OF 1920, CONSTITUTING THE SUFFOLK COUNTY TAX
ACT, IN RELATION TO REDEMPTION OF CERTAIN
PROPERTY OWNED BY PERSONS DEPLOYED BY THE
UNITED STATES MILITARY (SENATE BILL S.4025 AND
ASSEMBLY BILL A.7227)**

WHEREAS, a number of citizens of Suffolk have experienced financial hardship due to being ordered to active military duty other than training, in the United States Armed Forces; and

WHEREAS, as the loss of income due to being ordered to active military duty has resulted in a number of properties being lost for the nonpayment of real property taxes; and

WHEREAS, legislation has been introduced in the New York State Senate and New York State Assembly to amend the Suffolk County Tax Act to authorize a waiver of interest, penalties and fees for redemption of properties owned by persons deployed by the military and lost to foreclosure for certain persons deployed by the military; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the New York State Legislature to enact Senate Bill S.4025 and Assembly Bill A.7227 for the purpose of: amending the Suffolk County Tax Act to authorize a waiver of interest, penalties and fees in connection with the redemption of property by certain persons deployed by the military; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Hon. David A. Paterson; Governor, to the Hon. Malcolm Smith, Majority Leader of the New York State Senate; to the Hon. Sheldon Silver, Speaker of the New York State Assembly; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: April 28, 2009 Adopted



Tuesday, April 28, 2009

Summary - A07227

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A07227 Summary:

BILL NO A07227

SAME AS Same as S 4025

SPONSOR Sweeney (MS)

COSPNSR Fields, Alessi, Englebright, Ramos, Eddington

MLTSPNSR

Amd S49, Chap 311 of 1920

Permits Suffolk county to allow the redemption of tax foreclosed real property by certain military members where such owner was deployed overseas and such foreclosure was the result of financial hardship due to such deployment.

A07227 Actions:

BILL NO A07227

03/26/2009 referred to ways and means

A07227 Votes:

A07227 Memo:

BILL NUMBER:A7227

TITLE OF BILL: An act to amend chapter 311 of the laws of 1920, constituting the Suffolk county tax act, in relation to redemption of certain property owned by persons deployed by the United States military

PURPOSE: The purpose of this bill is to allow Suffolk County to waive fees, interest and penalties for the redemption of foreclosed residen-

tial real estate caused by financial hardship as a result of military activation.

SUMMARY OF PROVISIONS: Section 1: Amends Section 49 of Chapter 311 of the laws of 1920, the Suffolk County Tax Act, by adding a new subdivision c, allowing the Suffolk County Legislature to permit an owner of foreclosed residential real estate to redeem such real estate without interest, penalties and fees providing the foreclosure was a result of financial hardship cause by military activation overseas and other conditions.

Section 2: Effective date.

JUSTIFICATION: This bill recognizes that many service members experience serious hardship as a result of activation to duty and service to the country.

Often, this hardship results in the foreclosure of the service member's home. They can already redeem this property, but this bill is needed to allow penalties, interests and fees to be waived.

LEGISLATIVE HISTORY: This is a new bill.

FISCAL IMPLICATIONS: None to the State.

EFFECTIVE DATE: Immediately.

Contact Webmaster

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S T A T E O F N E W Y O R K

7227

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. SWEENEY, FIELDS, ALESSI, ENGLEBRIGHT, RAMOS,
EDDINGTON -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 311 of the laws of 1920, constituting the
Suffolk county tax act, in relation to redemption of certain property
owned by persons deployed by the United States military

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 49 of chapter 311 of the laws of 1920, constituting
2 the Suffolk county tax act, is amended by adding a new subdivision c to
3 read as follows:
4 C. WAIVER OF INTEREST, PENALTIES AND FEES FOR REDEMPTION FOR CERTAIN
5 PERSONS DEPLOYED BY THE MILITARY. THE APPLICABLE GOVERNING BODY OR
6 DEPARTMENT, UPON APPROVAL BY THE SUFFOLK COUNTY LEGISLATURE, IN ITS SOLE
7 DISCRETION, MAY PERMIT AN OWNER OR THE OWNER'S SURVIVING UNREMARIED
8 SPOUSE OF FORECLOSED RESIDENTIAL REAL ESTATE TO REDEEM SUCH REAL ESTATE
9 WITHOUT INTEREST, PENALTIES AND FEES PROVIDED THAT:
10 (1) THE PROPERTY IS THE OWNER'S PRIMARY PLACE OF RESIDENCE; AND
11 (2) THE OWNER DEMONSTRATES THAT FORECLOSURE OCCURRED AFTER OCTOBER 7,
12 2001; AND
13 (3) THE FORECLOSURE WAS A RESULT OF FINANCIAL HARDSHIP CONSTITUTING A
14 SUBSTANTIAL LOSS OF INCOME BY THE OWNER DUE TO BEING ORDERED TO ACTIVE
15 MILITARY DUTY, OTHER THAN TRAINING, IN THE UNITED STATES ARMED FORCES
16 INCLUDING THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED
17 STATES; AND
18 (4) THE ACTIVATION LASTED FOR AT LEAST SIX CONTIGUOUS MONTHS; AND
19 (5) THE OWNER PROVIDES ACCEPTABLE WRITTEN EVIDENCE OF THE REQUIREMENTS
20 SET FORTH IN THIS SUBDIVISION TO THE COMMISSIONER OF THE DEPARTMENT OF
21 ENVIRONMENT AND ENERGY.
22 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

[] is old law to be omitted.

LBD10415-03-9

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Intro. Res. HR 9 Res. No.

April 28, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		18				

MOTION

Approve
 ___ Table: _____
 ___ Send To Committee
 ___ Table Subject To Call
 ___ Lay On The Table
 ___ Discharge
 ___ Take Out of Order
 ___ Reconsider
 ___ Waive Rule ___
 ___ Override Veto
 ___ Close
 ___ Recess

APPROVED FAILED ___
 No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED
 ___ NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote