Bill as Introduced

SB 345 - AS AMENDED BY THE SENATE

2/17/00 3366s

2000 SESSION

00-2663
08/09

SENATE BILL ***345***

AN ACT relative to real estate transfers.

SPONSORS: Sen. Gordon, Dist 2

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Exempts transfers involving $4,000 or less from the requirement to file an inventory of property transfers.

II. Provides that any reconveyance of tax-deeded property by a municipality to a former owner is subject to reattachment of any former liens and recognition of the interest of any former co-owners.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 345- AS AMENDED BY THE SENATE

2/17/00 3366s

00-2663
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to real estate transfers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Real Property; Inventory of Property Transfers; No Filing Required for Certain Transfers. Amend RSA 74:18 by inserting after paragraph II the following new paragraph:

II-a. No filing shall be required under this section for any transfer of real estate or interest in real estate made for no consideration or for consideration of $4,000 or less.

2 Transfer of Tax Lien; Sale of Property Taken in Default of Redemption. Amend RSA 80:42, V to read as follows:

V. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the selectmen or mayor to convey the property to a former owner[~~, or to a third party for benefit of a former owner,~~] upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement. ***Any such reconveyance to a former owner shall be subject to the provisions of RSA 80:88, I and RSA 80:89, III, IV, and VI.***

3 Real Estate; Transfer of Tax Lien. Amend RSA 80:80, VI to read as follows:

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the selectmen or mayor to convey the property to a former owner[~~, or to a third party for benefit of a former owner,~~] upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement. ***Any such reconveyance to a former owner shall be subject to the provisions of RSA 80:88, I and RSA 80:89, III, IV, and VI.***

4 Effective Date. This act shall take effect January 1, 2001.

Committee Minutes

Exec. Session 5/2/00 11:05

Questions to the bill

Director of Municipal Services

Barbara Robertson of DRA —

Concern was it allows the town to make a deal w/ a former owner - but it doesn't always happen —

~~Page 2 line 5~~ Adding lines 14 + 15 provides for recovery costs

Kathy Sharp said there was an inaccuracy the deed on behalf of the Pinelawn

added

Wishes want to clarify how the lien is put on

She was concerned over some liens from $6000 transfer fees

Referred to next Tues May 9

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 345 Date 4/4/2000 10:30

Committee M+C Gov't

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 345

BILL TITLE: relative to real estate transfers.

DATE: April 4, 2000

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:30 am

Time Adjourned: 11:01 am

(please circle if present)

Committee Members: Rens, Hess, Patten, P. Cote, Rice, Brundige, Sabella, Griffin, Leone, Noyes, Hager, Akins, Lovejoy, Lockwood, W. Kelley, Rosenfield, Fraser, McGuirk, Salatiello, St. Cyr, Sarette, Simon and Zerba.

Bill Sponsors: Sen. Gordon

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Gordon testified in favor of streamlining real estate transactions.

1.) In cases where there is marginal value, (less than $4,000) filing a form to the state would not be required. The problem is that one cannot file a deed until a tax is paid.
2.) If there is no tax, why hold up to the deed? Streamlining transfer of tax liens. This helps reduce fees and extra taxes.

Attorney James Barney: Sulloway & Hollis testified in favor as a member of the legislative committee regarding NH Bar Association. He said this bill covers two areas:

1.) Exemption of filing under $4,000 transactions, 2 forms now in use (value of transportation and longer form which has a number of aspects of the transaction which is used by localities to adjust their assessment. These don't make much difference when collecting data as many of them are family transfers, the State doesn't do anything with these low value transfers now, anyhow.

2.) Section 2, deals with taking property by tax deed as in RSA 80:80 and RSA 80:89 two parallel provisions to take property by the municipality.

When a town takes a deed, it cuts off all liens and the like. (1997 legislation) In 1998 legislation, the municipality was limited to how much it could receive (15% plus expenses) if this town deeds back to the owners, all have to be included. If there are any liens prior to taken over by the town, they have to be reattached. The intent of this bill is to correct what was left out in 1998 law. (Note submitted by this committee)

Rep. Leone: : asked from his perspective did the 1998 legislation help with the problem of a "taking" by municipalities.

Answer: He thought it was a compromise.

Rep. Simon: wanted to know of the legislative committee has discussed this bill in detail?

Atty. Barney: said nothing of any consequence.

Rep. Patten: wanted to know if Registrar of Deeds Association had any concerns.

Answer: Said nothing of any significance. For example, declaration of consideration wouldn't be affected in this bill.

Rep. Noyes: wanted to know if this bill will strengthen or hinder equalification.

Attorney Barney: says DRA feels these transactions are so small that they are of little significance.

Continued public hearing on May 2 at 11:00 am

Barbara Robertson of DRA was concerned that it allows the town to make a deal with a former owner but it doesn't always happen. Adding lines 14 and 15 provides for recovery costs.

Kathy Guay: said there was no position on the bill on behalf of the Registrars. She did want to clarify how the lien is put on. She was concerned over some less than $4000 transfer taxes.

Respectfully submitted,

Rep. Richard Leone, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 345

BILL TITLE: relative to real estate transfers.

DATE: April 4, 2000

LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:30 am

Time Adjourned: {Time} 11:07

(please circle if present)

Committee Members: Reps. Hess, Patten, P. Cote, Rice, Brundige, Sabella, Griffin, Leone, Noyes, Hagen, Akins, Lovejoy, Lockwood, W. Kelley, Rosenfield, Fraser, McGuirk, Salatiello, St. Cyr, Sarette, Simon and Zerba.

Bill Sponsors: {Type SPONSORS' NAMES}

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

SB 345 Relates to real estate transfer

Sen. Larsen testified in favor of streamlining real estate transactions

(1) ✗ Dr cases when there is marginal value (less than $4,000) filing a form to the state would not be required. The problem is that one can't file a deed until tax & penalty & liens are cleared. This helps reduce fees and extra taxes.

(2) ✗ Dr streamlining transfer of tax liens. This helps reduce fees and extra taxes.

Attorney Janice Berney of Sulloway & Hollis testified in favor as a member of the legislative committee re: Bar Association

He said there will be areas:
(1) exemption of filing under $4000 transaction
2 forms now in use (A) value of transaction and (B) long form which has a number of aspects of the transaction which is used by localities to adjust their assessments - these don't make much difference when collecting data as many of them are family transfers - State doesn't do anything with low value transfers now, only know

(2) Section 2 deals with taking property by tax deed as in RSA 80:80 & RSA 80:89 two parallel provisions to take property by the municipality

When a town takes a deed, it cut off all liens and the like. (1997 legislation)
In 1998 legislation the municipality was limited to how much it could receive (1½ plus expenses) If the town deeds back to owner, all done to be included.

If there are any liens prior to take over by the Town, they have to be reattached.

The intent of this bill is to correct what was left out in ~~the~~ ~~[illegible]~~ the ~~[illegible]~~ 1998 law (note: submitted by this committee)

Rep Lane asked from his perspective did the 1998 legislation help with the problem of a "taking" by municipalities.

It thought it was a compromise.

Rep Sirois wanted to know if the legislative committee had discussed this bill in detail.

~~Discussion~~

Atty Barney said nothing of any consequence.

Rep Potter wanted to know if Register of Deeds Assoc. had any concerns.

Atty Barney said no they ~~have been~~ had any significance. Basically, declaration & consideration wouldn't be affected in this bill.

Rep Hayes wanted to know if this bill will strengthen a lien or foreclosure.

~~Atty Barney~~

Atty Barney says the DRA feels these ~~[illegible]~~ transactions are so small, they are of little consequence.

Ended 11:07

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 345

BILL TITLE: **relative to real estate transfers.**

DATE: May 9, 2000

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Simon

Seconded by Rep. Fraser

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard C. Leone, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 345

BILL TITLE: **relative to real estate transfers.**

DATE: {Type DATE} 3/2/00

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Simon

Seconded by Rep. Fraser

Vote: (Please attach record of roll call vote.) 19-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.) 19-0

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard C. Leone, Clerk

OFFICE OF THE HOUSE CLERK 2000 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 345 Title: _____

PH Date: ____/____/____ Exec Session Date: 5 / 09 / 00

Motion: _____ Amendment #: _____

MEMBER	YEAS	NAYS
Hess, David W, Chairman	19	
Patten, Betsey L, V Chairman	1	
Cote, Patricia L		
Rice, Thomas E P	2	
Brundige, Robert W	3	
Sabella, Norma A	4	
Griffin, Mary E	5	
Leone, Richard C, Clerk	6	
Noyes, Richard A	7	
Hager, Elizabeth S	8	
Akins, Ralph L		
Lovejoy, Marian E	9	
Lockwood, Priscilla P	10	
Kelley, William J	11	
Fraser, Marilyn A	12	
McGuirk, Paul A	13	
Salatiello, Thomas B		
St Cyr, Gerard L	14	
Sarette, John C	15	
Simon, Anthony F	16	
Zerba, Roger T	17	
Rosenfield, Jay	18	
TOTAL VOTE:	19	0

Printed: 2/3/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **SB 345**

TITLE: relative to real estate transfers.

DATE: May 9, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

There was considerable testimony on this bill. While the sponsors' intent is laudable, the Committee is concerned about the negative unintended consequences. There was testimony that eliminating a filing requirement would make it more difficult to detect fraudulent, or less than full value, real estate transfers. Additionally, at least some municipal officers utilize the data contained in the filings involving small consideration transfers. The Committee also feels that municipal officials already have sufficient authority to properly administer the reconveyance of tax taken property.

Vote 19-0.

Rep. Anthony F. Simon
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government
SB 345, relative to real estate transfers. INEXPEDIENT TO LEGISLATE
Rep. Anthony F. Simon for Municipal and County Government: There was considerable testimony on this bill. While the sponsors' intent is laudable, the Committee is concerned about the negative unintended consequences. There was testimony that eliminating a filing requirement would make it more difficult to detect fraudulent, or less than full value, real estate transfers. Additionally, at least some municipal officers utilize the data contained in the filings involving small consideration transfers. The Committee also feels that municipal officials already have sufficient authority to properly administer the reconveyance of tax taken property. Vote 19-0.

IIL - Consent

SB 345 relative to real estate transfers

Rep. Anthony F. Simon for Municipal and County Government: There ~~committee heard~~ was considerable testimony on this bill. ~~After~~ While the sponsor's intent is laudable, the committee is concerned ~~that it will~~ would about the negative unintended consequences. There was testimony that eliminating a filing requirement would make it more difficult to detect fraudulent, or less than full value, real estate transfers. ~~Furthermore,~~ Additionally, at ~~the~~ least some municipal officials ~~rely on~~ utilize the data contained in the filings involving small consideration transfers, ~~Furthermore~~ The committee also feels that municipal officials already have sufficient authority to properly administer the reconveyance of tax taken property. Vote 19-0.

5/9/02

JK

RP