

Amendment to SB 504-FN

1 Amend RSA 80:80, I-III as inserted by section 1 of the bill by replacing them with the following:

2
3 I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the
4 execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be
5 made to any person by the municipality during the 2-year period allowed for redemption, nor shall
6 title to any real estate taken by a town or city in default of redemption be conveyed to any person,
7 unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the
8 ~~[selectmen or the mayor]~~ **governing body** to transfer such lien or to convey such property by deed.

9 II. If the ~~[selectmen or mayor are]~~ **governing body is** so authorized to convey such
10 property by deed, either a public auction shall be held, or the property may be sold by advertised
11 sealed bids. The ~~[selectmen or mayor]~~ **governing body** shall have the power to establish a
12 minimum amount for which the property is to be sold and the terms and conditions of the sale.

13 II-a. If the ~~[selectmen or mayor are]~~ **governing body is** authorized to transfer such liens
14 during the 2-year redemption period, either a public auction shall be held, or the liens may be sold
15 by advertised sealed bids. The ~~[selectmen or mayor]~~ **governing body** may establish minimum bids,
16 and may set the terms and conditions of the sale. Such liens may be sold singly or in combination,
17 but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the
18 owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or
19 make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the
20 lienholder for purposes of RSA 80:72 and 80:76.

21 III. The ~~[selectmen]~~ **governing body** may, by a specific article in the town warrant, or ~~[the~~
22 ~~mayor may]~~ by ordinance, ~~[may]~~ be authorized to dispose of ~~[a lien]~~ **liens** or tax dedeed ~~[property]~~
23 **properties** in a manner **other** than ~~[otherwise]~~ **as** provided in this section, as justice may require.
24 ***Before proceeding under this provision, the governing body shall make an affirmative***
25 ***finding that disposal by a method other than sealed bid or public auction is in the public***
26 ***interest.***

27
28 Amend RSA 80:80, VI as inserted by section 1 of the bill by replacing it with the following:

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30 VI. For purposes of this section, the authority to dispose of the property "as justice may
31 require" shall include the power of the ~~[selectmen or mayor]~~ **governing body** to:

32 ***(a) Engage a real estate agent or broker to list and sell the property, including***

1 *a sale conditional on the buyer's obtaining development approvals;*

2 *(b) Sell undeveloped parcels to abutters for consolidation into adjoining lots*
3 *for the purpose of affordable housing development, preserving open space, or reducing*
4 *development density; or*

5 *(c) Convey the property to a former owner, or to a third party for benefit of a former*
6 *owner, upon such reasonable terms as may be agreed to in writing, including the authority of the*
7 *municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent*
8 *upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount.*
9 *Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be*
10 *construed to obligate any municipality to make any such conveyance or agreement.*

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AMENDED ANALYSIS

This bill permits the governing body to dispose of liens or tax deeded property other than by sealed bid or public auction if it is in the public interest.