



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1814

PRINTERS NO. 2469

PRIME SPONSOR: M. K. Keller

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0

**SUMMARY:** House Bill 1814, Printer's Number 2469, amends the Real Estate Tax Sale Law further providing for definitions, repurchase by owner, limitation on trusteeship and for ownership interests and responsibilities of delinquent property owner.

**ANALYSIS:** The term "delinquent property owner" is added and shall mean the person, whose taxes on the subject property are delinquent and in whose name the property is last registered, or if not registered, the person whose name last appears as an owner of record on a deed or instrument of conveyance recorded in the county office. In all other cases, the term means a person in open, peaceable and notorious possession of property as apparent owner or reputed owner of the property.

The bill adds language clarifying that if a property remains unsold after an upset sale, the bureau may accept full payment from or on behalf of the owner. Full payment shall include the upset sale price plus any additional tax claims, liens or judgements including costs, fees, expenses or interest incurred or accrued subsequent to the upset sale. The receipt of full payment shall discharge the tax claims, liens or judgements and the subject property shall be removed from exposure to sale.

Additionally, language is added clarifying ownership and maintenance of property. Specifically, a county or tax claim bureau (bureau) shall hold property subject to a tax sale only as trustee and shall exercise only such control over the property as may be necessary to convey the property and to fulfill the purpose of the law. The county or bureau shall have no civil or criminal liability or an obligation for maintenance or nuisance abatement of the tax-delinquent property unless the property is purchased by the county or bureau. The county or bureau may, at its discretion, rehabilitate and maintain the property of which it is a trustee without consent of the delinquent property owner; however, legal title shall remain with the delinquent property owner and the delinquent property owner is not relieved of civil or criminal liability for maintenance and nuisance abatement of the property.

The act shall take effect in 60 days and apply to sales conducted on or after the effective date.

**FISCAL IMPACT:** Enactment of this legislation has no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Ritchie LaFaver  
House Appropriations Committee (R)

**DATE:** February 6, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*