



**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Johnson

Sec'd by Ald. Green

Date of Adoption: September 19, 2023

Index No: Local Law #2 of 2023

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois	X			
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green	X			
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	9			

Local Law # 2 of 2023: A LOCAL LAW AMENDING THE PROVISIONS IN THE ENFORCEMENT OF DELINQUENT PROPERTY TAXES TO COMPLY WITH THE RULING OF THE UNITED STATES SUPREME COURT IN TYLER v HENNEPIN COUNTY, 598 U.S. 631 (2023)

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN AS FOLLOWS:

Section 1. Purpose of this Enactment.

The purpose of this enactment is to amend the provisions in the City Charter regarding the enforcement of delinquent property taxes to comply with the ruling of the United States Supreme Court in the recent case of Tyler v Hennepin County, 598 U.S. 631 (2023)

Section 2. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 3 thereof, to read in its entirety as follows:

3. Conduct and terms of sale. The proceedings may be stopped at any time before the sale by any person, by paying the amount of the tax or assessment, with the interest allowed thereon by this Charter, and the expense of advertising. The attorney or officer selling the lien shall require the purchaser, in the terms of sale, to pay at the close of the sale, a sum sufficient to pay said tax or assessment, interest, expense and charges. The purchaser shall not be required to pay more than sufficient to pay the tax or assessment, interest, expenses and charges until after the time for the redemption of such real estate shall expire, according to the provisions of this Charter. The terms of sale must advise the purchaser that the purchaser shall be required to comply with the ruling of the United States Supreme Court in *Tyler v Hennepin County*, 598 U.S. 631 (2023). The terms of sale must advise the purchaser that title to the subject property will not be conveyed until the purchaser provides proof to the City that (a) the purchaser has obtained an appraisal of the subject property from a licensed appraiser, (b) the purchaser has utilized the appraisal to calculate the amount the property owner must be reimbursed after subtraction of unpaid taxes, interest, fees and other costs incurred by the purchaser, and (c) that the purchaser has notified the property owner of the amount to be reimbursed after conveyance of title. Said attorney or officer shall, in all cases, reduce his or her terms of sale to writing, and require the purchaser to subscribe the same; which terms of sale shall be annexed to the certificate of sale which is herein required to be filed with the Treasurer, and shall be filed with the same. All sales in such cases shall be at public venue, between the hours of nine o'clock in the morning and four o'clock in the afternoon, and shall be made to the highest bidder therefor.

Section 3. Section 81 of the Charter of the City of Middletown, Sale of unpaid tax liens, is hereby amended to replace Paragraph 7, thereof, to read in its entirety as follows:

7. Certificates assignable. The certificates of sale hereinbefore mentioned, shall be assignable by the purchaser or his legal representatives, and such assignment shall be acknowledged or proven in the manner required by law to entitle deeds of real estate to be recorded. The assignment must contain the requirements contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*. The Common Council may give to the assignee of any such certificate a conveyance of the real estate therein described, after the expiration of the redemption period pursuant to the terms of this Charter, provided all assignments thereof shall have been duly recorded in the clerk's office of said county, and provided that the assignee has complied with all of the obligations contained in Paragraph 3, above, regarding the ruling in *Tyler v Hennepin County*,

Section 4. Section 83 of the Charter of the City of Middletown, Redemption, is hereby amended to replace Paragraph 3, thereof, to read in its entirety as follows:

3. After the expiration of the redemption period as herein defined, if any part of the premises sold shall remain unredeemed, the City must verify that the property owner has been reimbursed in the amount calculated pursuant to Paragraph 3 of Section 81 above, and that there has been full compliance with the ruling of *Tyler v Hennepin County*. After such verification, the Common Council shall give to the purchaser, his or her legal representatives or assigns, a conveyance of the premises so remaining unredeemed, which conveyance shall be valid and effectual to convey all the right, title and interest

which may have been sold in the manner aforesaid and such conveyance shall be presumptive evidence in all courts and places that the tax assessment for which such lien may have been sold, was legally imposed and that the proceedings to authorize such sale were correct. The grantee named in any such conveyance may obtain possession of the real estate therein described, in the manner prescribed by law in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords, and said grantee, by virtue of such conveyance, shall acquire all the right, title and interest in the real estate therein described, and the right to the possession of the same, and shall have, hold and enjoy such real estate, free and clear from all claims, liens or encumbrances, except such taxes and assessments as may have been charged thereon at the time of such sale, or at any time thereafter.

Section 5. Section 93 of the Charter of the City of Middletown, Conveyance of title, is hereby amended to replace Paragraph 4, thereof, to read in its entirety as follows:

4. Upon expiration of the redemption period and completion of the procedures required herein, including the reimbursement required by Tyler v Hennepin County , and upon execution by the City of a deed to a tax-delinquent parcel to the City or to a qualifying purchaser of an unpaid tax lien, the City or qualified purchaser shall be seized of an estate in fee simple absolute in such parcel and all persons, including the State, infants, incompetents, absentees and non-residents, except as specifically exempted by law, who may otherwise have had any right, title, interest, claim, lien, or equity of redemption in or upon such parcel shall be barred and forever foreclosed of any such right, title, interest, claim, lien or equity of redemption, and the City or qualified purchaser may hold such parcel for itself or sell or release such parcel as provided by law.

Section 6. Section 95 of the Charter of the City of Middletown, City as purchaser of tax-delinquent property, is hereby amended to read in its entirety as follows:

The city of Middletown may become the purchaser at any sale which may be made under the provisions of this act, and in case the said city shall be vested with the same rights as any other purchaser, but in no case shall the city at such sale bid a sum or become the purchaser for a greater amount than sufficient to pay the tax or assessment, with interest, including the costs and expenses of such sales, and in all cases of such sales the said city shall bid a sum sufficient to pay such tax or assessment, interest, cost and expenses. The mayor or other person designated by the common council shall attend all such sales and make such bid. The city must comply with the ruling in Tyler v Hennepin County by undertaking the obligations set forth in Paragraph 3 of Section 81, above. Any sale made in violation of this provision shall be void.

Section 7. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 8. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.