

RESOLUTION NO. 465a(2013)

ADOPTING A POLICY REQUIRING DETAILED ACCOUNTING AND RESERVING THE RIGHT TO REFUSE TO LEVY UNMETERED UNPAID WATER AND SEWER CHARGES

Introduced: 4/14/14

By Messrs. Higgins, Bullock, Nichols, O'Brien, Law Committee, Ms. Chapman, Messrs. Clay, Clenahan, Comisso, Ms. Connolly, Messrs. Corcoran, Cotrofeld, Dawson, Domalewicz, Ethier, Feeney, Jacobson, Joyce, Ms. Kinsch, Mr. Mackey, Ms. Maffia-Tobler, Mr. Mayo, Mss. McLean Lane, McKnight, Messrs. Morse, Rahm, Reilly and Simpson:

WHEREAS, The Albany County Legislature recognizes that Albany County is currently expending significant amounts of badly needed taxpayer funds solely for the purpose of making local municipalities whole for delinquent real property taxes largely comprised of unpaid water and sewer charges, and

WHEREAS, It is the intent and desire of the Albany County Legislature and Albany County government that those funds be redirected to positive purposes that have the effect of decreasing the numbers of tax-delinquent properties, revitalizing communities and increasing the tax rolls to the benefit of all its citizens, and

WHEREAS, The Legislature recognizes that unpaid water and sewer charges accumulate on vacant properties taken through its delinquent real property tax foreclosure process, which in many cases exceed the real property taxes on those properties, thereby making it difficult to sell and return them to the tax rolls, and

WHEREAS, Many times the buildings on these foreclosed properties have been vacant for several years and consequently have no metered water and sewer usage or these properties are vacant lots having no water or sewer usage ability whatsoever, but nonetheless have been charged an arbitrary unmetered usage rate which is not legally authorized and therefore unenforceable by the County, and

WHEREAS, It would be in the financial best interests of all Albany County taxpayers to have a legislative policy established to contain these costs by restricting the accumulation of returned unpaid water and sewer charges on tax delinquent property and refuse the levy of water and sewer charges on vacant lots and unmetered properties, now, therefore be it

RESOLVED, By the Albany County Legislature that a policy is hereby established whereas the County will no longer levy and continue remunerating payments to any local municipality, water board or water district for unmetered water charges and vacant land charges on properties that Albany County would otherwise levy onto the tax rolls, and, be it further

RESOLVED, That the Albany County Legislature reserves the right to in any event refuse to levy any such unpaid water and/or sewer charges it determines to have been imposed unlawfully, arbitrarily, or without having taken reasonable, timely action to terminate future water and sewer service to the properties having been provided with such unpaid services, and, be it further

RESOLVED, That where a local municipality, water board or water district has water and sewer charges imposed within its respective jurisdiction, which have gone unpaid for three (3) consecutive billing cycles such municipality, water board or water district shall provide prior to its annual tax levy detailed information necessary for the Albany County Department of Management and Budget to verify what action, if any, was taken to terminate future water and sewer service to the properties provided with such services as well as whether any of said properties are registered on its municipal vacant properties registry, and, be it further

RESOLVED, That the Albany County Department of Management and Budget shall recoup from any local municipality, water board or water district any and all unmetered water and sewer charges levied by the Albany County Legislature and any charges on properties that no action was taken to terminate future water and sewer service which have gone unpaid for three (3) consecutive billing cycles for any local municipality, water board or water district which provided the County with a real property tax levy request for tax year 2014, and, be it further

RESOLVED, That the Clerk of the Albany County Legislature is directed to forward certified copies of this resolution to the appropriate Albany County Officials and to every local municipality which provided the County with a real property tax levy request for tax year 2014.

Adopted by unanimous vote. 4/14/14