

CONFIDENTIAL LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.625 **Name of Bill:** Act Relating to Extending Exemption From Encumbrance on Title of Properties Subject to Pretransition Stormwater Permit

Agency of Natural Resources / Dept: ANR/DEC **Author of Bill Review:** Padraic Monks

Date of Bill Review: 1/26/2016 **Related Bills and Key Players:** None

Status of Bill (check one): ☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position: Support

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

The ability to file a notice of permit deferral on an expired stormwater permit will expire 6/30/16. This bill will extend the sunset to 6/30/17. This is needed because MS4s are still working to take over, or not, expired permits. Without this bill many properties will have a title defect starting 7/1/16 therefore complicating or preventing real estate transactions.

2. Is there a need for this bill? *Please explain why or why not.* Yes, several hundred properties/permits could be adversely affected without the bill.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?
None

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? None

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example, public, municipalities, organizations, business, regulated entities, etc)*
Municipalities and permit holders will support the bill because it prevent permit holders from being adversely impacted during the transition to renewal of permits/municipalities taking the permit over.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Title attorneys and mortgage companies, and buyers of real estate. Without it, real estate closings can be difficult or impossible.

6.2 Who else is likely to oppose the proposal and why? Not aware of any opponents. The sunset provision has been extended at least twice before at the legislature's initiative, most recently three years ago, with no opposition. Additionally, we are only asking for a 1-year extension. We have not inquired directly of any environmental NGOs.

7. Rationale for recommendation: *Justify recommendation stated above.* This bill will have no adverse impact on the Department, but will help prevent harm to property owners.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

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9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? NA


Commissioner has reviewed this document:



Date:

1/27/16

Secretary has reviewed this document:



Date:

2/1/16