

July 28, 1980

SUBJECT: INSURANCE

WITHDRAWN

Circular Letter No. 9 (1980)

TO: TO ALL INSURERS LICENSED TO WRITE FIRE INSURANCE IN NEW YORK STATE

SUBJECT: TAX DISTRICT CLAIMS AGAINST FIRE INSURANCE PROCEEDS

This will supplement our Circular Letter No. 30 dated November 27, 1979, with respect to the captioned subject.

Recent market conduct investigations by this department have indicated a failure on the part of some insurers to comply with the requirements of Section 33-a of the Insurance Law, as amended by Chapter 570 of the Laws of 1978, with regard to payment of tax liens from the proceeds of fire insurance losses.

Consequently, in order to assure compliance with the Tax lien Law, this department wishes to re-emphasize that when payments are made to municipalities in accordance with Section 33-a of the Law, the draft or check shall be made payable only to the enforcing officer of the municipality and shall not include any other payee.

In the event that no payment is forthcoming to the municipality because of a mortgagee's interest or for any other reason, the insurer shall notify the enforcing officer of the municipality of the disposition of the loss proceeds.

The department is also communicating with municipalities urging them to adhere to the requirement of Section 33-a by replying within 20 days to insurers' demands for a certificate setting forth the amount of all liens, including interest and penalties.

Attached is a current list of tax districts which have filed with this department a notice of intention to claim against fire insurance loss proceeds in accordance with Section 33-a of the Insurance Law.

Acknowledgment of this letter and inquiries with respect to additional tax districts that file with this department should be addressed to:

Mr. Leonard Fondiller, Principal Insurance Examiner  
Property and Casualty Insurance Bureau  
State of New York Insurance Department  
Two World Trade Center  
New York, NY 10047

Very truly yours,

[SIGNATURE]

Donald D. Gabay

First Deputy Superintendent

ATTACHMENT

NOTICE OF INTENTION TO CLAIM AGAINST FIRS INSURANCE PROCEEDS

City of Buffalo

Ms. Margaret Anderson  
Assistant Corporation Counsel  
Mayor's Task Force on Housing  
Frank A. Sedita City Court Building  
Buffalo, NY 14202  
(716) 847-8256

Chautauqua County

Mr. Lorrion G. Caryl  
Finance Director  
County Office Building  
Mayville, NY 14757  
(716) 753-4223

Village of Freeport

Mr. James Lyons,  
Village Treasurer  
46 North Ocean Avenue  
Freeport, NY 11520  
(516) 378-4000

Village of Green Island

Francis X. Houle, III  
Deputy Treasurer  
Village of Green Island  
20 Clinton Street  
Green Island, NY 12183

Village of Hempstead

Mr. Frank E. DeSetto  
Village Clerk-Treasurer  
Village of Hempstead  
99 Nichols Court  
Hempstead, NY 11551  
(516) 489-3400

Village of Kenmore

Ms. Phyllis Higgins  
Village Clerk/Treasurer  
Village of Kenmore  
2919 Delaware Avenue  
Kenmore, NY 14217  
(716) 873-5700

Town of Lewisboro  
Mr. Robert E. Green, Town Supervi  
Town of Lewisboro  
South Salem, N.Y. 10590

Village of Liberty

Mrs. Emmagene Travis  
Clerk/Treasurer  
Municipal Building  
Village of Liberty  
Liberty, NY 12754  
(914) 292-6820

City of Long Beach

Mrs. Catherine Pirrone  
City Hall  
One West Chester Street  
Long Beach, NY 11561  
(516) 431-1000 Ext. 233

Village of Malone

Mr. Edgar H. French  
Village Clerk/Treasurer  
Malone Village Office  
14 Elm Street  
Malone, NY 12953  
(518) 483-4570

City of Middletown

Mr. Nicholas F. Vuolo  
City Clerk/Treasurer  
City Hall  
16 James Street  
Middletown, NY 10940  
(343-3187

City of New York

Ms. Dorothy Joseph

City Collector  
NYC Department of Finance  
139 Centre Street  
New York, NY 10013  
(212) 566-3947

City of Newburgh

Ms. Marlene A. Koisch, City Clerk  
City of Newburgh  
City Hall  
Newburgh, NY 12550  
(914) 565-3209

Mr. Raymond A. Schwarz  
Commissioner of Finance  
Orange County Government Center  
Goshen, NY 10924  
(914) 294-5151 Ext. 120

Orleans County

Ms. Mary B. Basinait  
Orleans County Treasurer  
Court House  
Albion, NY 14411  
(716) 589-5353

City of Rochester

Mr. Louis N. Kash  
Corporation Counsel  
City of Rochester  
400A City Hall  
Rochester, NY 14614  
(716) 428-6986

Village of Spring Valley

Ms. Julia Jacaruso,  
Clerk/Treasurer  
Village of Spring Valley  
Rockland County, NY 10977

Suffolk County

Ms. Jean H. Tuthill  
Suffolk County Treasurer  
Suffolk County Center  
Riverhead, NY 11001

Sullivan County  
Mr. Richard I. Coombe  
Sullivan County Treasurer  
County Government Center  
Monticello, N.Y. 12701  
(914) 794-3000 Ext. 100  
Effective Date: 1/14/80

Mr. Frank L. Canino  
Commissioner of Finance  
City of Syracuse  
106 City Hall  
Syracuse, NY 13202

City of Troy

Mr. Anton L. Miorin,  
City Treasurer  
City Hall  
One Monument Square  
Troy, NY 12180  
(518) 270-4406

City of Utica

Mr. Louis A. Barile, City Treasurer  
City of Utica  
One Kennedy Plaza  
Utica, NY 13502  
(315) 798-3210

Wayne County

Mrs. Lois Van Hoover  
Wayne County Treasurer  
9 Pearl Street  
Lyons, NY 14489  
(315) 946-4823

Village of Williamsville

Ms. Theresa L. Cummins  
Village Clerk-Treasurer  
Village of Williamsville  
5583 Main Street  
Williamsville, NY 14221  
(716) 632-4120

Wyoming County

Mrs. Shirley T. Holbrook, Treasurer  
County of Wyoming  
Wyoming County Treasurers Office  
Court House Building  
Warsaw, NY 14569

City of Yonkers

Mr. Fred A. Schnur,  
Comptroller  
City of Yonkers  
City Hall  
Yonkers, NY 10701  
(914) 963-3980 Exts. 321 & 322