



SUPPORT

A6633 Brodsky

Authorizes a religious corporation to sell real property where consideration paid therefore and fair market value thereof is less than \$200,000, and mortgage real property when such mortgage secures debt of less than \$200,000, without leave of Supreme Court.

The Problem

Current New York State law requires a religious corporation to apply and receive approval of a New York State Supreme Court judge before they can sell or secure a mortgage on ANY real property in New York State. This process is costly, up to \$5,000 for legal fees, and time consuming.

In 2006, the Village Bible Church of Fonda, NY, attempted to sell an old church building, appraised at approximately \$35,000, and they received an offer for \$35,000. Before the Judge would allow the sale of the property, the church had to get two additional appraisals and make several appearances into Court. The judge finally approved the sale as presented.

The Proposal

This bill sets a threshold of \$200,000 before a religious corporation would have to get approval of a New York Supreme Court Judge.

- This bill would enable churches and other religious organizations to conduct routine business efficiently and economically.
- This bill would free valuable time for judges in New York's Supreme Courts.
- This bill would save religious corporations much needed funds.
- The threshold of \$200,000 is a modest amount for the purchase of any real property or expansion of a church building. Larger purchases or mortgages would still require the approval of a New York State Supreme Court Judge.
- This bill does not prevent the Attorney General from investigating any complaints about abuse of the not-for-profit laws of New York.
- This bill removes excessive entanglement between Church and State in keeping with the First Amendment of the U.S. Constitution.

The New York State Senate passed this bill on March 3, 2008. New Yorkers for Constitutional Freedoms and the thousands of churches it represents ask the New York State Assembly to do the same.