

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 152-19: ADOPTION OF LOCAL LAW FOR AMENDMENT OF LOCAL LAW 2-1995 WHICH PROVIDED FOR THE INSTALLMENT PAYMENT OF ELIGIBLE DELINQUENT REAL PROPERTY TAX

Mrs. Pagano presented the following:

WHEREAS, a proposed local law amending local law 2-1995 was presented to the Board of Supervisors on March 19, 2019, and

WHEREAS, a public hearing on the proposed local law was held on **March 19, 2019 at 9:05 am** in the Supervisor's Chambers in the County Courthouse, 26 Church Street, Lyons, New York 14489, in accordance with the notice of hearing duly posted and published in the manner prescribed by law, now, therefore be it

RESOLVED, that said amended local law is hereby adopted as follows:

COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 2 FOR THE YEAR 2019

A Local Law to Amend Local Law No. 2 of 1995 to Provide for the Installment Payment of Eligible Delinquent Taxes Pursuant to Real Property Tax Law Section 1184.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. PURPOSE

This local law is enacted pursuant to the provisions of Section 1184 of the Real Property Tax law of the state of New York for the purpose of providing for the installment payment of eligible delinquent real property taxes.

SECTION 2. DEFINITIONS

As used in this Section:

- (a) "County" means the County of Wayne;
- (b) "County Treasurer" means the County Treasurer of the County of Wayne;
- (c) "Eligible delinquent taxes" means delinquent taxes, including interest, penalties, and other charges which have accrued against a parcel as of the date on which an installment agreement is executed;
- (d) "Eligible owner" means an owner of real property who is eligible to or has entered into an installment agreement;
- (e) "Installment agreement" means a written agreement between an eligible owner and the County Treasurer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of Section 1184 of the Real Property Tax Law and this local law.

SECTION 3. AUTHORIZATION

The County Treasurer is authorized to enter into an installment agreement with an eligible owner providing for the payment of eligible delinquent taxes in installments. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of Section 1184 of the Real Property Tax Law and this local law. The installment payment of eligible delinquent taxes shall commence upon the signing of an installment agreement between the County Treasurer and the eligible owner. The agreement shall be kept on file in the office of the County Treasurer.

SECTION 4. PROPERTIES

This local law shall apply to all classes of properties within Wayne County.

SECTION 5. ELIGIBILITY DATE

An owner of real property shall be eligible to enter into an installment agreement pursuant to this local law no earlier than thirty days after the delivery of the return of the unpaid taxes to the County Treasurer and no later than November 30th of the current year. After November 30th it shall be the County Treasurer's discretion if a contract is to be entered into.

SECTION 6. INSTALLMENT AGREEMENT PROVISIONS

Such installment agreement shall provide:

- (a) The maximum term of an installment agreement, which shall not exceed twenty-four months;
- (b) The payment schedule which shall be monthly;

- (c) A required minimum initial down payment, which shall be \$175.00 or ten percent of the eligible delinquent taxes whichever is greater, but not exceed 25% of the eligible delinquent taxes, although an eligible owner may make larger initial down payment if the eligible owner so chooses.

SECTION 7. RESTRICTIONS

A property owner shall not be eligible to enter into an installment agreement pursuant to this local law where;

- (a) There is a delinquent tax lien on the same property for which the application is made or on another property owned by such person and such delinquent tax lien is not eligible to be made part of the agreement pursuant to this local law;
- (b) Such person is the owner of another parcel within Wayne County on which there is a delinquent tax lien, unless such delinquent tax lien is eligible to be and is made part of the agreement pursuant to this local law; or
- (c) Such person was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three years of the date on which an application is made to execute an agreement pursuant to this local law.
- (d) Such person defaulted on an agreement executed pursuant to this section within three years of the date on which application is made to execute an agreement pursuant to this section.

SECTION 8. AMOUNT DUE

The amount due under an installment agreement shall be eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid, as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due on the last day of the month in which it is to be paid. Such payments shall be applied first to interest, penalties, and other charges, then to principal. As used herein, the term "principal" shall mean the amount of the delinquent tax excluding all interest, penalties, and other charges.

SECTION 9. INTEREST AND PENALTIES.

- (a) Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, shall be that amount as determined pursuant to Section 924-a of the Real Property Tax Law. The rate of interest in effect on the date the agreement is signed shall remain constant during the period of the agreement. If an installment is not paid on or before the date it is due, interest shall be added at the rate prescribed by Section 924-a of the Real Property Tax Law for each month or portion thereof until paid. In addition, if an installment is not paid by the end of the fifteenth calendar day after the payment due date, a late charge of five percent of the overdue payment shall be added.
- (b) Waiver of interest and penalties for certain eligible deployed military members. The County Treasurer is authorized to waive interest and penalties, provided that:
 - (i) The financial hardship was caused in substantial part by the eligible owner's having been ordered to active military duty in the United States armed forces including the reserve components of such armed forces.
 - (ii) The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and
 - (iii) The owner or estate must provide satisfactory written evidence to the County Treasurer prior to foreclosure including documentation from the armed forces showing the eligible owner meets criteria (ii) above.

SECTION 10. DEFAULT

- (a) The eligible owner shall be deemed to be in default of the installment agreement upon:
 - (i) Non-payment of any installment within thirty days from the payment due date;
 - (ii) Non-payment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the County, and which is not paid prior to the expiration of the warrant of the collecting officer, or
 - (iii) Default of the eligible owner on another agreement made and executed pursuant to this local law.
- (b) In the event of a default, the County Treasurer shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of the law.
- (c) Where the eligible owner is in default and the County Treasurer does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

SECTION 11. NOTIFICATION OF POTENTIAL ELIGIBLE OWNERS.

- (a) Within forty-five days after receiving the return of the unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the County Treasurer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The County Treasurer shall add one dollar to the amount of the tax lien for such mailing.
- (b) The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.
- (c) The County Treasurer shall not be required to notify the eligible owner when an installment is due.

SECTION 12. TAX LIEN

The provisions of this local law shall not affect the tax lien against the property except that the lien shall be reduced by the payments made under an installment agreement, and that the lien shall not be foreclosed during the period of installment payments provided that such installment payments are not in default.

SECTION 13. EFFECTIVE DATE

This local law shall take effect on the date if it is filed in the Office of the Secretary of State.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 19th day of March 2019 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 19th day of March 2019.

Clerk of the Board