

LOCAL LAW NO. 6 - YEAR 2008

A Local Law Authorizing the Installment Payment of Eligible Delinquent Real Property Taxes by Written Agreement

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

Section 1) PURPOSE. Real Property Tax Law, Section 1184 authorizes the enactment of a local law providing for the payment of eligible delinquent taxes through an installment payment agreement. The purpose of this Local law is to authorize such installment payment agreements in Wyoming County. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner(s) on a uniform basis pursuant to the provisions of the New York State Real Property Tax Law and this Local Law. Such installment payments shall be available to eligible owners, irrespective of the classification or use of the parcel upon which property taxes are delinquent.

Section 2) DEFINITIONS. Words and phrases used in this Local Law to the extent defined in Real Property Tax Law Section 1184 or any amendments thereto shall have the same definition. The term Real Property Taxpayer(s) as used in this Local Law is intended to refer to owner(s) of the subject property and be such person as is eligible pursuant to Real Property Tax Section 1184 or any subsequent amendment thereto.

Section 3) INSTALLMENT AGREEMENTS AUTHORIZED. As provided by the provisions of this Local law, eligible real property tax payers owing eligible delinquent taxes on eligible parcels in Wyoming County may execute an agreement with Wyoming County, in a form approved by the Wyoming County Attorney, whereby they will pay eligible delinquent taxes plus interest that is to accrue on each installment payment as set forth in this Local Law, over a period of time, and Wyoming County will suspend other procedures to collect such taxes during the performance of that agreement.

Section 4) TERMS AND CONDITIONS OF AGREEMENT. Any agreements entered into by Wyoming County shall contain the following terms and conditions:

- A) **Term.** Installment payments of eligible delinquent taxes shall commence upon the signing of the agreement between Wyoming County, by the tax enforcement officer, and the eligible owner(s). The maximum term for such agreement shall be twenty-four (24) months from the implementation of the tax lien when unpaid tax rolls are returned to the County Treasurer by the Town Tax Collector. Agreements not completed within this period may be subject to Article 11 Petition and Notice of Foreclosure proceedings
- B) **Down Payment and Amortization Schedule.** A down payment of twenty-five percent (25%) of the total amount of eligible delinquent taxes shall be due and payable upon the execution of such agreement. The balance of such delinquent taxes shall then be amortized, with interest as provided herein, over eight (8) quarterly payments. Installment payments will be due on the last days June,

September, December and March, next following the date of the installment payment agreement. The first quarterly payment shall thus be due no more than three (3) months following the execution of the installment payment agreement and the making of the down payment.

- C) **Multiple Eligible Owners.** If there is more than one owner of a parcel, each owner shall be a party to the agreement and all owners shall be jointly and **severally** liable for the obligation of the eligible owner under such agreement.
- D) **Property Sales.** If a subject parcel is sold or otherwise conveyed during the term of an installment agreement, all eligible delinquent taxes shall be immediately due and payable.
- E) **Interest and Late Payment Penalties.** Interest shall be added to the amount of the eligible delinquent taxes due after payment of the down payment at the rate of interest set by Real Property tax law Section 924-a or such other law as may be applicable on the date of the agreement. If an installment payment is not paid when due, interest shall be added at the applicable rate for each month or portion thereof until the amounts due are paid.
- F) **Late Payments.** A five percent (5%) late payment penalty will be added to any payment received more than fifteen (15) calendar days after the due date.
- G) **Prepayment.** There shall be no penalty for the prepayment of the entire outstanding balance of the installment payment agreement, and unearned interest shall be deducted from the balance then due Wyoming County.
- H) **Events of Default.** The following shall constitute events of default under the installment payment agreement, such defaults will entitle Wyoming County to require the entire unpaid balance with interest and late charges to be paid in full and resume all other means of collecting the entire tax deficiency then owed:
 - (1) Non payment of any installment within thirty (30) days of the due date.
 - (2) Nonpayment of any subsequent tax levy special ad valorem and/or special assessment(s) levied by the tax district before the return of such tax warrant to the County Treasurer.
 - (3) A default on any other installment payment agreement.
- I) **Nonwaiver.** Where an eligible real property taxpayer is in default and the County does not require the payment of the entire unpaid balance or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.
- J) **Tax Lien.** Any installment agreement shall not affect the tax lien against the subject real property except that the lien shall be reduced by the payments made under the agreements.

Section 5) AUTHORITY. The enforcing officer is hereby granted the authority to prepare and execute on behalf of the County of Wyoming agreements with eligible delinquent taxes in accordance with Section 1184 of the Real Property Tax law, as amended, and this Local law, without further notice to nor consent of the County Board of Supervisors. In addition to the powers granted to the County Treasurer in this Local Law, he/she is hereby authorized and empowered:

- (1) To recommend to the Board of Supervisors rules and regulations appropriate to the carrying out of this Local Law and purposes thereof, and consistent with the provisions of the Real Property tax Law of the State of New York;
- (2) To Annually review the Interest Charge and make recommendations to the Board of Supervisors for necessary increases/decreases in the interest to cover all costs associated with the installment payment of taxes; and
- (3) To delegate his/her functions hereunder to any employee or employees of the Office of the County Treasurer.

Section 6) ELIGIBLE PARCELS. Any separately assessed parcel of real property within Wyoming County with an outstanding tax liability of greater than five-hundred dollars (\$500.00) for the applicable year upon which there is no other delinquent tax lien which is not eligible to be part of the agreement.

Section 7) INELIGIBLE REAL PROPERTY TAXPAYERS. No real property taxpayer may enter into an installment payment agreement if any of the following conditions apply:

- (1) Such real property taxpayer owes a delinquent tax lien on a Wyoming County parcel that is otherwise ineligible to be included in the installment payment agreement.
- (2) Such real property taxpayer was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three (3) years of the date of which application is made to execute an agreement pursuant to this Local Law.
- (3) Such real property taxpayer defaulted on an agreement executed pursuant to this Local Law within three (3) years of the date on which an application is made to execute an agreement pursuant to this Local Law.

Section 8) PERIOD FOR AGREEMENT. An eligible real property taxpayer may enter into and execute an installment payment agreement at any time more than thirty (30) days after the town tax collectors make their returns to the Wyoming County Treasurer.

Section 9) NOTICE. The County Treasurer shall mail, by first class mail, notice of the availability of this installment payment agreement program to all eligible real property taxpayers within (45) days of the return of the tax warrant or as soon thereafter as is practicable. The sum of One Dollar (\$1.00) shall be added to each tax lien for the cost of preparing and mailing such notice. Such notice shall be mailed by first class mail to the last know address of the taxpayer of record. Failure to mail such notice shall not affect the validity of any tax or tax lien.

Section 10) EFFECTIVE DATE. This Local Law shall take effect immediately upon filing with the Secretary of State and publication as required by law.

DATED at Warsaw, New York
July 08, 2008 (Introduced)
August 12, 2008 (Adopted)
Cheryl J. Ketchum
Clerk