

Local Law Filing

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County  
~~CORX~~  
~~DEW~~  
~~XINX~~ of CORTLAND

Local Law No. 3 of the year 19 97

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
AUG 18 1997

*Allyn F. D'Amico*  
Secretary of State

A local law PROVIDING INSTALLMENT PAYMENTS OF ELIGIBLE DELINQUENT REAL PROPERTY TAXES BY  
(Insert Title) WRITTEN AGREEMENT

Be it enacted by the LEGISLATURE of the  
(Name of Legislative Body)

County  
~~CORX~~  
~~DEW~~  
~~XINX~~ of CORTLAND as follows:

SECTION 1. It is the intent by this Law to provide for the installment payment of delinquent real property taxes pursuant to the authorization of Section 1184 of the Real Property Tax Law.

SECTION 2. Where the provisions of this law conflict with those of Section 1184, the provisions of Section 1184 as amended shall control to the end that the taxpayers of Cortland County shall have the option of paying delinquent real property taxes on an installment basis pursuant to the installment agreement authorized herein.

SECTION 3. Definitions as used in this Local Law.

(a) "Eligible delinquent taxes" means the delinquent real property taxes, including interest, penalties and other charges, which have accrued against a parcel as of the date on which an installment agreement is executed.

(b) "Eligible owner" means an owner of real property who is eligible to or has entered into an installment agreement.

(c) "Farm property" means property which qualifies as farm property pursuant to section eleven hundred eleven of the Real Property Tax Law.

(d) "Installment agreement" means a written agreement between an eligible owner and the enforcing officer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of this section and the local adopted hereunder.

(e) "Residential property" means property which qualifies as residential property pursuant to section eleven hundred eleven of the Real Property Tax Law.

SECTION 4. Term of Agreement: The term of this installment agreement referred to herein shall be twenty-four months.

SECTION 5. Payment. The payment schedule of the installment agreement shall be monthly.

SECTION 6. The installment agreement shall require an initial down payment of twenty-five percent of the eligible delinquent taxes.

SECTION 7. This Local Law shall apply to all properties within Cortland County.

SECTION 8. A property owner shall not be eligible to enter into an 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 section;

(b) such person is the owner of another parcel within the tax district 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 section.

(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 section; or

(d) such person defaulted on an agreement executed pursuant to this section within three years of the date on which an application is made to execute an agreement pursuant to this section.

SECTION 9. A property owner shall be eligible to enter into an agreement pursuant to this section no earlier than thirty days after the delivery of the return of unpaid taxes to the enforcing officer.

SECTION 10. The amount due under the installment agreement shall be the 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.

SECTION 11. Interest and penalties. Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, if any is required, shall be that amount as determined pursuant to section nine hundred twenty-four-a of the Real Property Tax Law, or such other law as may be

applicable. 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 applicable rate 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.

SECTION 12. Default. (a) The eligible owners shall be deemed to be in default of the 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 tax district, and which is not paid prior to the receipt of the return of unpaid taxes by the enforcing officer; or

(iii) default of the eligible owner on another agreement made and executed pursuant to this section.

(b) In the event of a default, the tax district shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The tax district shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of law, special tax act, charter or local law.

(c) Where an eligible owner is in default and the tax district does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the tax district shall not be deemed to have waived the right to do so.

SECTION 13. Notification of potential eligible owners. (a) Within forty-five days after receiving the return of unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the enforcing officer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The enforcing officer shall add one dollar to the amount of the tax lien for such mailing, if the local law provided for such a charge.

(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 enforcing officer shall not be required to notify the eligible owner when an installment is due.

SECTION 14. The provisions of this 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 15. This Local Law shall take effect immediately.