## LOCAL LAW NO. "D" FOR 2007

## A LOCAL LAW OF THE COUNTY OF ALBANY AMENDING LOCAL LAW NO. 6 FOR 1995 AUTHORIZING INSTALLMENT PAYMENTS OF DELINQUENT REAL PROPERTY TAXES

Introduced: 4/9/07
By Messrs. Commisso, Gordon, Domalewicz and Morse:

BE IT ENACTED By the County Legislature of the County of Albany that Local Law No. 6 for 1995 is amended to read as follows:

SECTION 1. Pursuant to Section 1184 of the Real Property Tax Law The Albany County Legislature as governing body of the Albany County Tax District hereby enacts this local law providing for installment payment of eligible delinquent real property taxes.

1. 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. "Enforcing Officer" means the Albany County Director of Finance as agent for the Albany County Commissioner of Management and Budget.

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 Section 1184 of the Real Property Tax Law and this local law adopted thereunder.

E. "Tax district" means the Albany County Tax District.

2. Installment payment of eligible delinquent taxes shall be available to each eligible owner on a uniform basis pursuant to the provisions of this local law. Installment payment of eligible delinquent taxes shall commence upon the signing of an installment agreement between the Enforcing Officer and the eligible owner, which agreement shall be kept on file in the office of the Enforcing Officer.

3. Such installment agreement shall provide:

A. A maximum term, which shall not exceed twenty-four months;

B. A payment schedule, which shall be monthly, bimonthly, quarterly or semi-annually;

C. A required initial down payment, which shall not exceed 25 percent of the eligible delinquent taxes;

D. Such other terms and conditions consistent with the provisions of Section 1184 of the Real Property Tax Law and this local law as the Enforcing Officer shall deem appropriate in the best interests of the Albany County Tax District.

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

C. Such person was the owner of a 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 installment agreement pursuant to this local law; or

D. Such person 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.

5. A property owner shall be eligible to enter into an installment agreement no earlier than thirty (30) days after the delivery of the return of unpaid taxes to the Enforcing Officer.

6. The amount due under an 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 date. Each installment payment shall be due on the last day of the month in which it is to paid.

7. Interest and penalties. 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 924a 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 (5%) of the overdue payment shall be added.

8. Default.

A. The property owner shall be deemed to be in default of the installment agreement upon:

(i) Non-payment of any installment within thirty (30) 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 owner on another installment agreement made and executed pursuant to this local law.

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.

9. Notification of potential eligible owners.

A. Within forty-five (45) 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.

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.

10. 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 2. This local law shall take effect immediately.

*Referred to Audit and Finance Committee. 4/9/07*