

## COUNTY OF CAYUGA – STATE OF NEW YORK

**A local law providing for the installment payment of eligible delinquent real property taxes.**

BE IN ENACTED BY THE CAYUGA COUNTY LEGISLATURE, as follows:

### SECTION 1.

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 Cayuga;
- (b) "County Treasurer" means the County Treasurer of the County of Cayuga;
- (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 provision of Section 1184 of Real Property Tax Law and this local law.

### SECTION 3.

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 provision of the Real Property Tax Law and this local law. Such installment payment of eligible delinquent taxes shall commence upon the signing of an installment agreement between the County Treasurer and the eligible owner. This agreement shall be kept on file in the office of the County Treasurer.

### SECTION 4.

The term of the installment agreement shall be **twenty-four months**, the payment schedule shall be monthly, the required initial down payment shall be **10%** of the eligible delinquent taxes and eligible properties shall include all properties within Cayuga County.

## SECTION 5.

An owner of real property may not be eligible to enter into an installment agreement pursuant to this section 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 is the owner of property on which there existed a delinquent tax lien and on which a prior agreement was made and defaulted within three years of the date on which an application is made to execute an agreement pursuant to this section, unless approval given by the County of Cayuga Treasurer.

## SECTION 6.

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 County Treasurer.

## SECTION 7.

Interest and penalties: Interest is calculated on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner. The rate of interest in effect of 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 New York State Real Property Tax Law 924-a for each month or portion thereof until paid. In addition, if any installment is not paid by the end of the month due, a late charge of 5% of the overdue payment shall be added.

Filing Fee: Each property owner eligible to enter into an agreement pursuant to this Local Law shall pay a fee of no less than five dollars (\$5.00) to the Cayuga County Treasurer. The Cayuga County Legislature may amend the filing fee from time to time by resolution.

## SECTION 8.

### 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 expiration of the warrant of the collecting 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 County 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 law, special tax act, charter or local law.
- (c) Where an eligible owner is in default and the County 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 9.**

- (a) Within forty-five days after receiving the return of unpaid taxes from the collecting officer, or as soon 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 may 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.

## **SECTION 10.**

The provisions of this section 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 11.**

This local law shall take effect on the date it is filed in the Office of the Secretary of State in Accordance with the provisions of Section 27 of the Municipal Home Rule Law of the State of New York; and be it further

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule of the State of New York.