

April 8, 1998

CHRISTINE KANE
COUNTY OFFICE BUILDING
3 EAST PULTENEY SQUARE
BATH, NY 14810

RE: County of Steuben, Local Law 4, 1998, filed 03/25/98

~~CITY~~
~~TOWN~~ of STEUBEN
~~VILLAGE~~

Local Law No. FOUR of the year 1998.

A local law Providing for the Installment Payment of Eligible
(Insert Title)
Delinquent Real Property Taxes.

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

County
~~CITY~~
~~TOWN~~ of Steuben as follows:

SECTION 1: LEGISLATIVE INTENT

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

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF STEUBEN as follows:

SECTION 1. LEGISLATIVE INTENT

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

Definitions. As used in this Section:

- (a) "County" means the County of Steuben;
- (b) "County Treasurer" means the County Treasurer of the County of Steuben;
- (c) "Eligible delinquent taxes" means the 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 FOR INSTALLMENT AGREEMENT

The County Treasurer is authorized to enter into an installment agreement with an eligible owner 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. APPLICABILITY

This local law shall apply to all properties within Steuben County.

SECTION 5. DATE OF AGREEMENTS

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.

SECTION 6. SCHEDULE OF PAYMENT

- (a) The maximum term of an installment agreement shall be twenty-four months;
- (b) The payment schedule shall be monthly;
- (c) The installment agreement shall require a minimum initial down payment of ten percent of the eligible delinquent taxes.

SECTION 7. ELIGIBILITY

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 Steuben 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.

SECTION 8. TERMS OF PAYMENT

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 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, and 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

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 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.

SECTION 10. DEFAULT

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 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.

(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 11. NOTIFICATION

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 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 amounts 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 STATUS

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

The provisions of this Local Law shall take effect immediately upon the passage of the law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Four of 1998 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Steuben Legislature on 2/23 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

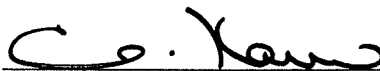
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

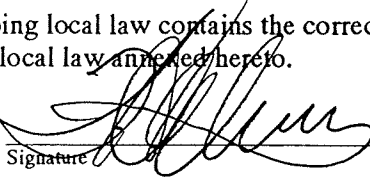
(Seal)

Date: February 26, 1998

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

COUNTY ATTORNEY

Title

County
~~City~~
~~Town~~ of STEUBEN
~~Village~~

Date: February 26, 1998