

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

City of PLATTSBURGH

~~TOWN~~

~~VILLAGE~~

Local Law No. 4 of the year 2002

A local law PAYMENT OF DELINQUENT REAL PROPERTY TAXES IN INSTALLMENTS
(Insert Title)

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

~~COUNTY~~

City of PLATTSBURGH as follows:

~~TOWN~~

~~VILLAGE~~

1. Definitions. As used in this Chapter:

- (a) "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.
- (b) "Eligible owner" means an owner of real property who is eligible to or has entered into an installment agreement.
- (c) "Installment agreement" means a written agreement between an eligible owner and the City Chamberlain providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of this Chapter.

2. Installment payment of eligible delinquent taxes. The City Chamberlain is hereby authorized and empowered to enter into an agreement for the installment payment of eligible delinquent taxes. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of this Chapter. Such Installment Agreement may include other terms and conditions not inconsistent with this Chapter. Such installment payment of eligible delinquent taxes shall commence upon the signing of an agreement between the City Chamberlain and the eligible owner. The agreement shall be kept on file in the office of the City Chamberlain.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. Installment Agreement Terms. The Installment Agreement shall include the following terms:
(a) the term of installment agreements shall not exceed twenty-four months;

(b) the payment schedule shall be monthly;

(c) the required initial down payment shall be ten percent of the eligible delinquent taxes;

(d) the properties to which this Chapter applies are all properties within the City of Plattsburgh.

(e) the installment agreement shall include a waiver of claims or defenses concerning the amount or enforceability of liens for eligible delinquent taxes.

4. A property owner shall not be eligible to enter into an 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 City of Plattsburgh 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 Chapter; 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.

(e) within three years of the date of application, such person was the owner of a fifty percent or greater undivided interest in ineligible property, or owned or controlled a majority of the voting rights of an entity that owned ineligible property. The term "ineligible property", as used in this section, means property that would not be eligible for an installment agreement under sections 4(a)-(d) if it were solely owned by such person.

5. 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 City Chamberlain. The Common Council may, by resolution, establish deadlines for entering into installment agreements.

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 due date. Each installment payment shall be due on the last day of the month in which it is to be 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, 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.

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 receipt of the return of unpaid taxes by the City Chamberlain; 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 City of Plattsburgh shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The City of Plattsburgh 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 City of Plattsburgh does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the City of Plattsburgh shall not be deemed to have waived the right to do so.

9. 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 City Chamberlain shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The City Chamberlain 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 City Chamberlain shall not be required to notify the eligible owner when an installment is due.

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.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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. _____ 4 _____ of 20⁰² of the ~~(County)~~(City)~~(Town)~~(Village) of _____ PLATTSBURGH was duly passed by the _____ COMMON COUNCIL on 7 FEB 20⁰², and was (approved)~~(not approved)~~~~(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ MAYOR _____ and was deemed duly adopted on 11 FEB 20⁰²,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was submitted
(Elective Chief Executive Officer)*
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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 20____. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 20_____ 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 _____ 20____, 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 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 _____²_____, above.

Keith A. Herkalo

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo, City Clerk

Date: 14 FEBRUARY 2002

(Seal)

(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 CLINTON

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.

John E. Clute

Signature John E. Clute

Corporation Counsel

Title

~~County~~
City of PLATTSBURGH
~~Town~~
~~Village~~

Date: 14 FEBRUARY 2002