

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 5 OF THE YEAR 2023**

**A LOCAL LAW AMENDING CHAPTER 189 ENTITLED TAXATION TO THE CODE
OF THE VILLAGE OF BUCHANAN**

Section One: The following Article shall be added to Chapter 189 of the Village Code to read as follows:

Article VI Payment of Eligible Delinquent Taxes

§ 181-39 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Eligible Delinquent Taxes

The delinquent taxes, including interest, penalties and charges, have accrued against a parcel as of the date on which an installment agreement is executed.

Eligible owner

An owner who is eligible to or has entered into an installment agreement.

Installment Agreement

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 § 1184 of the Real Property Tax Law and this article.

§ 189-40 Authorization.

The Village Administrator of the Village of Buchanan is authorized to enter into an installment agreement providing for the payment of eligible delinquent taxes in installments with property owners. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of the New York State Real Property Tax Law and this article. Such installment payments of eligible delinquent taxes shall commence upon the signing of an agreement between the Village Administrator and the eligible owner.

§ 189-41 Terms.

The term of the installment agreement shall be 24 months, the payment schedule shall be **semiannual**, the required initial down payment shall be 25% of the eligible delinquent taxes and eligible properties shall include all properties within the Village of Buchanan.

§ 189-42 Eligibility.

A property owner **shall not** be eligible to enter into an agreement pursuant to this article 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 article;

B.

Such person is the owner of another parcel within the Village 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 article;

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 article;

D.

Such person defaulted on an agreement executed pursuant to this article within three years of the date on which an application is made to execute an agreement pursuant to this article; or

E.

Such person owes any other money to the Village.

§ 189-43 Time period.

A property owner shall be eligible to enter into an agreement pursuant to this article no earlier than 30 days after the delivery of the return of unpaid taxes to the enforcing officer.

§ 189-44 Payments.

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.

§ 189-45 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 New York State Real Property Tax Law § 924-a. 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 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 15th calendar day after the payment due date, a late charge of 5% of the overdue payment shall be added.

§ 189-46 Default.

A.

The eligible owner shall be deemed to be in default of the agreement upon:

(1)

Nonpayment of any installment within 30 days from the payment due date;

(2)

Nonpayment 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

(3)

Default of the eligible owner on another agreement made and executed pursuant to this article.

B.

In the event of a default, the Village shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The Village 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 Village does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the Village shall not be deemed to have waived the right to do so.

§ 189-47 Notification of potential eligible owners.

A.

Within 45 days after receiving the return of unpaid taxes from the collecting officer, 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 \$1 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.

§ 189-48 Tax lien.

The provisions of this article 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.

§ 189-49 Fees.

Pursuant to § 1102(1)(e) of the Real Property Tax Law and commencing with taxes becoming a lien in _____, a charge set forth in the Fee Schedule maintained in the office of the Village Clerk shall be imposed for the reasonable and necessary cost of title searches required or authorized to satisfy the notice requirements of the Real Property Tax Law.