

Local Law Filing

(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 Town Village
of Clinton

Local Law No. 1 of the year 2013

A local law Establishing and Extending Date for Final Redemption of Delinquent Property Taxes

Be it enacted by the Clinton County Legislature of the

County City Town Village
of Clinton as follows:

The purpose of this Law is to establish certain policy and procedures in the County of Clinton for the redemption of parcels of real property that are, in any given year, the subject of the tax in rem foreclosure process, all in accordance with New York State Real Property Tax Law Article 11 and as provided herein.

BE IT ENACTED, by the Legislature of the County of Clinton as follows:

WHEREAS, Article 11 of the Real Property Tax Law utilized by Clinton County provides for the final redemption date for the redemption of delinquent taxes to be on or about January 15th of each year; and

WHEREAS, the County Legislature has determined that it is in the best interest of the citizens of Clinton County to extend the redemption date to provide for final redemption of taxes beyond the established January date of each tax year upon certain terms and conditions as set forth herein.

SECTION I - Definitions

When used in this Law, the following definitions apply:

A) ASSESSED VALUE

The amount of the Town's official assessed value, not including exemptions, on the latest assessment roll.

B) COUNTY

The County of Clinton, a political subdivision of the State of New York.

C) DELINQUENT TAX

An unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district, plus all applicable charges, relating to any parcel which is included in the return of unpaid delinquent taxes prepared pursuant to Real Property Tax Law or such other general, special or local law.

D) ENFORCEMENT OFFICER

The Clinton County Treasurer.

E) LEGISLATURE

The Clinton County Legislature.

F) PERSONS

Any individual, group, association, partnership, corporation, limited liability company or other legal entity.

SECTION II – Taking Title To Property

In accordance with Article 11 of the New York State Real Property Tax Law (“RPTL”) and this Local Law, the County Treasurer upon any application for a judgment pursuant to RPTL §1136(3) to a Court of competent jurisdiction shall request that any Order or Judgment in favor of the County awarding title to one or more parcels of real property to the County shall allow for a final redemption of taxes within forty-five (45) days of the date of the Order and Judgment and direct the County Treasurer to only record any deed or deeds upon the expiration of forty-five (45) days from the date of the execution of said Order or Judgment.

Following the effective date of this Local Law unless modified by resolution of the County Legislature as provided in Section V hereof, all delinquent taxpayers shall be granted forty-five (45) days from the date of the execution of the Order and Judgment pursuant to Section 1136 of the Real Property Tax Law to redeem the subject parcels on the terms and conditions contained herein and directing the County Treasurer to execute and deliver a deed transferring ownership of the tax delinquent parcels to the County of Clinton after the expiration of the forty-five (45) day period.

If the forty-fifth day falls on a weekend or legal holiday, the time for redemption of taxes shall extend to the next calendar business day.

The County Treasurer shall hereafter upon making application for a default judgment to any Court of competent jurisdiction request that the Order and Judgment contain the following provisions:

ORDERED, ADJUDGED AND DECREED, that the motion of Clinton County for judgment of foreclosure pursuant to §1136 of the Real Property Tax Law and awarding to Clinton County possession of and title to any parcel of real property described in the List of Delinquent Taxes dated _____ which has not been redeemed or withdrawn as provided by law or within forty-five (45) days of the date of this Order and Judgment be and the same is in all respects granted; and it is further

ORDERED, ADJUDGED AND DECREED, that the parcels of real property described in the List of Delinquent Taxes for _____ for residential, farmland, vacant land and commercial property filed in the Clinton County Clerk's Office which have been redeemed, since the commencement of this action, withdrawn or are redeemed within forty-five (45) days from the date of this Order and Judgment, be and the same hereby are stricken from the List of Delinquent Taxes upon the filing of appropriate certificates of redemption in the Office of the Clinton County Clerk; and it is further

ORDERED, ADJUDGED AND DECREED, that Clinton County is awarded title to and possession of each and every parcel of land described in the List of Delinquent Taxes not heretofore redeemed, withdrawn, or subsequently redeemed as set forth above, said parcels being described in Schedule A annexed hereto and made a part hereof; and it is further

ORDERED, ADJUDGED AND DECREED, that upon the expiration of forty-five (45) days from the date of this Order and Judgment, the Clinton County Treasurer, being the Tax Enforcement Officer of Clinton County, be and he hereby is directed to make, execute and cause to be recorded a deed or deeds conveying to the said Clinton County full and complete title to the said parcels of land set forth and described in Schedule A hereto annexed excepting any parcels heretofore withdrawn or redeemed within forty-five (45) days of the date of this Order and Judgment.

SECTION III – Amount Payable

During the forty-five (45) day period following the date of said Order and Judgment, the County Treasurer shall permit the delinquent taxpayer and owner of record or other party in interest to redeem the parcel upon payment of the total of the outstanding real property taxes, assessments, charges, interest, fees and penalties due and owing at the time of the sale; plus applicable auctioneer fees, plus an additional 10 percent of the total amount, to be paid to the County Treasurer; plus other costs and surcharges, if any. The additional redemption period shall take place annually, following the execution of the judgment of foreclosure by the Court. This redemption period shall be available to each record owner or other party in interest at the time the County commenced its Article 11 tax foreclosure proceeding (by the filing of the in rem pleadings); however, each said owner/party must file a written application with the Enforcement Officer, along with payment in full, in an amount to be calculated by the Enforcement Officer and received by the Enforcement Officer no later than 5:00 p.m. on the forty-fifth day following the date of said Order and Judgment. Payment must be in the form of a cashier's or certified funds check or money order payable to the "Clinton County Treasurer." Personal or business checks are not an acceptable method of payment.

SECTION IV – Notice Of Additional Redemption Period

The County Treasurer as the Enforcement Officer shall within five (5) business days of the date of the execution of the Order and Judgment, mail by both regular first class mail and by certified mail, return receipt requested, to each delinquent property tax owner at the address contained in the most recent tax roll a copy of the Judgment with notice of entry thereon together with a written notice that the property owners are entitled to redeem the property until 5:00 p.m. on the forty-fifth day following the date of the order by payment of the determined amount of delinquent taxes, charges, interest, penalties and any other applicable changes as set forth above in Section III hereof. Notwithstanding this section, the additional redemption period shall be deemed discretionary in that it is not required by State law; therefore, failure of the Enforcement Officer to mail the notice, or for the recipient to receive it, shall not give rise to any cause of action or claim against the County.

SECTION V – Cancellation/Modification

Notwithstanding any of the foregoing provisions, the Clinton County Legislature reserves the right to cancel and disallow an additional redemption period in any particular year or to change the terms of the additional redemption period in any particular year by the adoption of a resolution prior to the commencement of the tax foreclosure in rem proceedings.

SECTION VI – Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the County Legislature of the County of Clinton hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION VII – Repeal Of Prior Ordinances Or Laws

All ordinances, local laws and parts of ordinances or laws of the County of Clinton inconsistent with the provisions of this Law, are hereby repealed, provided however, that such repeal shall be only to the extent of such inconsistency, and in all other respects this Law shall be in addition to the ordinances or laws regulating and governing the subject matter covered by this Law.

SECTION VIII – Effective Date

This Local Law shall be deemed effective immediately upon the filing of same in the Office of the New York State Secretary of State.

(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. 1 of the Year 2013 (County) ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of Clinton was duly passed by the County Legislature on 1/23 2013 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 20 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ (Elective Chief Executive Officer) _____ 20 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 (Elective Chief Executive Officer) 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 _____ 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 (Elective Chief Executive Officer) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 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 _____ 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 1 above.

Deputy Richard J. Brown
Clerk of the County Legislative Body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 1/23/13

(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.

[Signature]
Signature

County Attorney
Title

County
~~XXX~~ of Clinton
~~XXX~~
~~XXX~~

Date: 1/23/13