

STATE OF NEW YORK

4863

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to interest rates imposed on late payment of taxes and delinquencies and redemption of property subject to more than one tax lien

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 924-a of the real property tax
2 law, as amended by chapter 26 of the laws of 2003, is amended to read as
3 follows:

4 1. The amount of interest to be added on all taxes received after the
5 interest free period and all delinquent taxes shall be one-twelfth the
6 rate of interest as determined pursuant to subdivision two or two-a of
7 this section rounded to the nearest one-hundredth of a percentage point,
8 except as otherwise provided by a general or special law, or a local law
9 adopted by a city pursuant to the municipal home rule law or any special
10 law or by a local law adopted by a county. Such interest shall be added
11 for each month or fraction thereof until such taxes are paid.

12 § 2. Section 936 of the real property tax law, as amended by chapter
13 237 of the laws of 1995, subdivision 1 as amended by chapter 355 of the
14 laws of 1997, is amended to read as follows:

15 § 936. Return of unpaid delinquent taxes. [~~1-~~] Upon the expiration of
16 his warrant, each collecting officer shall make and deliver to the coun-
17 ty treasurer an account, subscribed and affirmed by him as true under
18 the penalties of perjury, of all taxes listed on the tax roll which
19 remain unpaid, except that such collecting officer shall not include in
20 such account the amount of the installments of taxes returned unpaid
21 pursuant to [~~section nine hundred twenty-eight b or~~] subdivision one of
22 section nine hundred seventy-six of this chapter. The county treasurer
23 shall, if satisfied that such account is correct, credit him with the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 amount of such unpaid delinquent taxes. Such return shall be endorsed
2 upon or attached to the tax roll.

3 ~~[2. In making the return of unpaid taxes, the collecting officer shall~~
4 ~~add five per centum to the amount of each tax as levied. In the event~~
5 ~~that the collecting officer fails to do so, the county treasurer shall~~
6 ~~make such addition. In a county in which there is a local law in effect~~
7 ~~pursuant to section nine hundred twenty-eight b or section nine hundred~~
8 ~~seventy-two of this chapter providing for the collection of taxes in~~
9 ~~installments, the five per centum provided by this subdivision shall not~~
10 ~~be added to the taxes which a real property owner has elected to pay in~~
11 ~~installments pursuant to section nine hundred twenty-eight b or section~~
12 ~~nine hundred seventy-five of this chapter. Such five per centum shall be~~
13 ~~added by the county treasurer to the amount of such taxes as shall have~~
14 ~~remained unpaid after the date upon which the last installment was due~~
15 ~~as provided in such local law. The amount of such added per centum shall~~
16 ~~thereafter be deemed part of the amount of the unpaid tax.]~~

17 § 3. Subdivision 1 and paragraph (a) of subdivision 2 of section 1112
18 of the real property tax law, as amended by chapter 532 of the laws of
19 1994, are amended to read as follows:

20 1. When a tax district holds more than one tax lien against a parcel,
21 the liens need not be redeemed simultaneously. However, the liens must
22 be redeemed in [~~reverse~~] chronological order, so that the lien with the
23 [~~most recent~~] earliest lien date is redeemed first, and the lien with
24 the [~~earliest~~] most recent lien date is redeemed last. Notwithstanding
25 the redemption of one or more of the liens against a parcel as provided
26 herein, the enforcement process shall proceed according to the
27 provisions of this article as long as the [~~earliest~~] most recent lien
28 remains unredeemed for a period of two years or more from the date of
29 delinquency of such lien.

30 (a) When one or more liens against a parcel are redeemed as provided
31 herein, but the [~~earliest~~] most recent lien remains unredeemed for a
32 period of two years or more from the date of delinquency of such lien,
33 the receipt issued to the person redeeming shall include a statement in
34 substantially the following form: "This parcel remains subject to one
35 or more delinquent tax liens. The payment you have made will not post-
36 pone the enforcement of the outstanding lien or liens. Continued failure
37 to pay the entire amount owed will result in the loss of the property."

38 § 4. Subdivision 2 of section 924-a of the real property tax law, as
39 amended by chapter 355 of the laws of 2003 and as further amended by
40 subdivision (b) of section 1 of part W of chapter 56 of the laws of
41 2010, is amended to read as follows:

42 2. The rate of interest applicable to the third calendar quarter of
43 each year, as set by the commissioner of taxation and finance pursuant
44 to subparagraph (A) of paragraph two of subsection (j) of section six
45 hundred ninety-seven of the tax law, shall be the rate of interest
46 applicable to unpaid real property taxes for purposes of this section.
47 Such commissioner shall set such rate on or before the fifteenth day of
48 July in each year. Such rate shall be effective for all warrants issued
49 for a collection period commencing on or after the first day of Septem-
50 ber next succeeding the date the rate of interest is set. Provided,
51 however, the rate of interest prescribed by this subdivision shall in no
52 event be [~~less~~] more than twelve per centum per annum. The commissioner
53 shall inform each affected municipality of any change in the rate estab-
54 lished pursuant to this subdivision.

55 § 5. This act shall take effect on the ninetieth day after it shall
56 have become a law.