COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

October 20, 2026

The Honorable Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Resolution Calling for New Erie County Payment Plan

Dear Honorable Members:

The attached proposed Resolution seeks to call on Erie County to create a new payment plan option for delinquent taxpayers prior to foreclosure. There are no fiscal implications on Erie County to adopt this Resolution as it is a call to action. Not adopting this Resolution would mean that homeowners will continue to have no payment plan option prior to foreclosure, likely resulting in more people losing their homes.

This is the third resolution submitted to this Honorable Body on this matter, following COMM. 3E-3 (2025) and COMM. 4E-17 (2025), both of which were received and filed.

Thank you for your consideration of this matter. If your Honorable Body requires further information, kindly contact the Erie County Clerk's Office.

Respectfully submitted,

MICHAEL P. KEARNS
Erie County Clerk

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Encl.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NEW YORK

A Resolution Submitted by the Erie County Clerk
Re: Proposing A Payment Plan Option For Delinquent Taxpayers

WHEREAS, the New York State Legislature amended the Erie County Tax Act in August 1997 (A6587-A/S3884) to increase the 12% annual interest and penalty rate on delinquent property taxes to eighteen percent (18%); and

WHEREAS, one of the reasons given for increasing the interest rate was that "the relatively low penalty rate imposed by the County on late property tax payments serve as a disincentive to the timely payment of real property tax obligations"; and

WHEREAS, since the housing collapse of 2007, significant numbers of vacant and abandoned properties have plagued, and continue to plague, Erie County; and

WHEREAS, the 18% interest and penalty rate on delinquent property taxes is in excess of New York's 16% civil usury cap and far in excess of market interest rates; and

WHEREAS, the steep 18% interest and penalty rate on delinquent property taxes makes it significantly difficult for citizens to ever repay overdue taxes, resulting in even more vacant and abandoned properties, commonly referred to as "Zombie" properties; and

WHEREAS, the Erie County Clerk's Office recognizes that grappling with the blight of Zombie properties transcends all communities and impacts all County taxpayers, regardless of the property location; and

WHEREAS, pursuant to Article VI of the Erie County Tax Act, partial payments are authorized to be accepted and applied toward current fiscal year taxes; and

WHEREAS, Erie County currently does not offer a payment plan option to delinquent taxpayers prior to foreclosure.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County offers a payment plan option for delinquent taxpayers prior to foreclosure; and be it further

RESOLVED, that Erie County allows eligibility for a new payment plan for individuals who are continuing to experience a hardship, even if they have had a previous payment plan; and be it further

RESOLVED, that Erie County bases eligibility for payment plans on the owner and their circumstances, rather than whether a particular property has already had a payment plan (for example, when an individual inherits a property with pre-existing taxes due); and be it further

RESOLVED, that Erie County proactively offers payment plans and/or examples of how much an individual will need to pay per month to catch up, factoring in interest; and be it further

RESOLVED, that Erie County allows monthly installment payments for homeowners whose taxes are not included in a monthly mortgage payment, with the ability to pay online, in person, or via mail; and be it further

RESOLVED, that Erie County sends simple, user-friendly notices to homeowners upon default, offering options to catch up; and be it further

RESOLVED, that Erie County restructures the Erie County tax website to make it more user friendly and easy to navigate and to provide more information to homeowners, including the availability of payment plans and how to get them; and be it further

RESOLVED, that Erie County allows payment plans for heirs to an estate, even if the estate proceedings have not been filed or finalized in Surrogate's Court and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; the Director of the Division of Budget and Management; the Erie County Comptroller; the Erie County Director of Real Property Tax Services; and the Erie County Clerk.