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 Amendment of Erie County Tax Act

Dear Honorable Members:

The attached proposed Resolution seeks to call on the New York State Legislature to amend the Erie County Tax Act to lower the 18% interest and penalty rate on delinquent taxes. The call to New York State to amend the Erie County Tax Act is necessary so that we may move forward in pushing for a bill to be introduced in the State Legislature, as that is the first step towards eventually making a Home Rule request. 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 the steep 18% interest and penalty rate in Erie County would continue to remain unchallenged.

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

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

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

A Resolution Submitted by the Erie County Clerk
Re: Call to the New York State Legislature to Amend the Erie County Tax Act to Lower the Interest Rate on Delinquent Taxes

WHEREAS, the Erie County Tax Act (Chapter 812 of the Laws of 1942) established an initial twelve percent (12%) annual interest and penalty rate on delinquent property taxes; and

WHEREAS, pursuant to New York State Real Property Tax ("RPT") Law § 924-a, only the New York State Legislature may amend the Erie County Tax Act; and

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, in June 2025 the New York State Senate passed Senate Bill S6166 sponsored by then-Senator Sean M. Ryan, which proposed setting the delinquent tax interest rate to the prime interest rate subject to a floor of two percent (2%) and a ceiling of sixteen percent (16%); and

WHEREAS, if S6166 was to become law, through the State Budget Process or otherwise, Erie County would be required to lower the 18% annual interest and penalty rate on delinquent property taxes to equal the prime rate, which is currently 7.5%; and

WHEREAS, the interest and penalty rate limitation in S6166 would not apply to real property that is vacant and abandoned as defined in the New York Real Property Actions and Proceedings Law, which would still be subject to an 18% rate; and

WHEREAS, it is clear that Erie County must now take action in its own right to show New York State that change is needed; and

WHEREAS, the Erie County Clerk's Office has secured over five thousand (5,000) signatures from Erie County taxpayers in support of lowering the interest and penalty rate from the current 18%; and

WHEREAS, the Erie County Legislature, via Home Rule request, previously supported legislation in 2018, Senate Bill S8839A, which sought to reduce the interest rate on delinquent real property taxes from 18% to 12%, and thereby reduce barriers to repayment of back taxes for all properties, whether vacant and abandoned or otherwise; and

WHEREAS, said legislation did not pass the New York State Legislature, leaving the 18% rate in effect; and

WHEREAS, an interest and penalty rate of 12%, the rate that stayed consistent from 1942 – 1997, and which was supported by the Erie County Legislature in 2018, should be reestablished in Erie County for all properties, whether vacant and abandoned or otherwise; and

WHEREAS, amending the Erie County Tax Act to reduce the interest and penalty rate to 12% for all properties will decrease the impact of real property tax delinquencies and would not conflict with any potential further reduction for occupied properties in the event that S6166 or any similar bill was to become law; and

WHEREAS, the New York State Legislature has requested that the Erie County Legislature adopt a Resolution such as this one before a State bill will be filed to reduce the interest and penalty rate in the Erie County Tax Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully calls upon the New York State Legislature to introduce a bill to lower the interest and penalty rate in the Erie County Tax Act from 18% to 12%; and be it further

RESOLVED, that should the New York State Legislature file a bill to lower the interest and penalty rate in the Erie County Tax Act from 18% to 12%, the Erie County Legislature may then either submit a Home Rule request or pass a Resolution in support of the filed State legislation; 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; and the Erie County Clerk.