

RESOLUTION R-2023-07
LUZERNE COUNTY COUNCIL

A Resolution of County Council for the County of Luzerne
Agreeing to Implement Act 57 of 2022

WHEREAS, Act 57 of 2022, amending the Local Tax Collection Law, was signed by Governor Wolf on July 11, 2022, and takes effect on October 10, 2022; and

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance directing the tax collector to waive additional charges for real estate taxes in certain situations; and

WHEREAS, Luzerne County Council desires to agree to implement Act 57 of 2022 in its collection of County and/or municipal real estate taxes.

NOW, THEREFORE, BE IT RESOLVED, Luzerne County Council agrees that the Luzerne County Treasurer, as collector of real property taxes, shall comply with the provisions of Act 57 and this resolution for tax years beginning on or after January 1, 2023.

BE IT FURTHER RESOLVED, Luzerne Council agrees to the following additional provisions as set forth by Act 57:

Definitions

The following words and phrases shall have the meanings given to them within this resolution unless the context clearly indicates otherwise:

Additional charge: Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

Qualifying event:

1. For the purposes of real property, the date of transfer of ownership.
2. For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

Tax Collector: The Luzerne County Treasurer's Office and any authorized or designated delinquent tax collector serving as agent for the Luzerne County Tax Claim Bureau, or any alternative collector of taxes as provided for in the act of July 7, 1947 (P.L.1368, No. 542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

Waiver

The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:

- A. Provides a waiver request of additional charges, on a form provided by the state Department of Community and Economic Development, to the Tax Collector in possession of the claim within twelve (12) months of a qualifying event;
- B. Attests that a tax notice was not received; and
- C. Provides the Tax Collector in possession of the claim with one of the following:
 - 1. A copy of the deed showing the date of real property transfer; or
 - 2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
- D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.

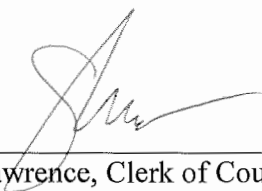
This Resolution shall become effective upon adoption.

ADOPTED at a meeting of the Luzerne County Council held on January 24, 2023.

ROLL CALL VOTE (11-0)

YES: Bienias, Lescavage, Lombardo, McDermott, McGinley, Mitchell, Perry, Radle, Thornton, SJ Urban and Wolovich

LUZERNE COUNTY COUNCIL

Attest: 
Sharon Lawrence, Clerk of Council

By: 
Kendra Radle, Chair

LUZERNE COUNTY MANAGER

By: 
Brian Swetz, Acting County Manager