

CITY OF BREWER, MAINE IN CITY COUNCIL ASSEMBLED

2013-A155

September 17, 2013

TITLE: ORDER, ESTABLISH CITY OF BREWER'S POLICY ON
ACCEPTANCE AND ASSIGNMENT OF TAX PAYMENTS,
PERSONAL PROPERTY TAX PAYMENTS, WATER
PAYMENTS AND SEWER PAYMENTS.

filed September 11, 2013
by Joseph Ferris

ORDERED, that as allowed under 36 M.R.S.A. § 906, the Brewer City Council hereby requires that the payments for taxes, which are assessed on real estate and personal property in the City of Brewer, along with the payments on water and sewer bills generated be applied as follows:

- Except as noted herein, payments will be applied to the oldest item (bill) in the category that is being paid. The money received will be applied on the oldest bill in the following order: interest, fees, other costs (if applicable), and lastly principal.
 - If the City has entered into a written repayment arrangement with the customer that is still in effect, the provisions of the repayment agreement shall govern.
 - Tax payments may not be applied to a period for which an abatement request or appeal has not been resolved unless approved in writing by the taxpayer.
 - If a customer specifies an application of payment that does not match the provisions of this section, the Clerk shall inform the customer in person, via a phone call or in writing that the payment must be applied to the oldest outstanding amount. If the customer refuses to accept this, the Clerk shall forward the matter to the Tax Collector or Finance Director for action. As a last resort, the payment shall be returned to the customer.
- If a customer provides a payment but does not specify a category or account number, the City shall apply the payment first to any personal property amounts outstanding, then to sewer, then to water and lastly to real estate taxes. One exception to this rule is when a customer pays an amount that equals the exact amount billed/due for a specific year or period. In such a case, the collector should treat the amount of such a payment as an

indication of the customer's intent to pay that specific bill and shall apply it in accordance with the terms specified in Section 1 above.

- The City shall present to customers wishing to make a partial payment on one or more liens a waiver form to sign stating that their payment does not waive the City's lien rights. If the customer refuses to sign the waiver or the payment is made by mail, the customer shall be provided with a written statement from the Treasurer that acceptance of partial payment does not constitute a waiver of any lien rights.
- When payment is made by check for a tax lien which is about to be filed or which is about to foreclose, the Tax Collector should record the lien and the Treasurer should not discharge the lien until the check "clears." If and when the check clears, the account is deemed paid as of the date the check was received or postmarked, if mailed. The taxpayer shall be informed of this procedure in the 30 day notice the City sends.
- If the City has begun the legal process of perfecting title on a foreclosed lien, no payments related to the primary lien the City is pursuing shall be accepted. Any payments accepted shall be for current bills only. For example, if the City is working to perfect title on a property with foreclosed tax and sewer liens, but the tax lien is what the City is using in court to claim title, the City shall not accept tax payments on the property but shall be allowed to accept payment on current water and sewer bills related to the property.

FURTHER ORDERED, that the City shall pursue collection of amounts due using methods including, but not limited to, the following:

- The Tax Collector and /or City Treasurer shall enforce liens on real estate in accordance with Title 36 M. R. S. A. Chapter 105, "Enforcement of Lien on Real Estate" . However, the City reserves the right to not perfect title on properties if the circumstance warrants it.
- The Tax Collector and/or City Treasurer will send delinquent personal property accounts to a collection agency before the end of each fiscal year that they were assessed. A notice will be sent by certified mail at least 30 days prior to sending the account to a collection agency.
- The Tax Collector and/or City Treasurer shall enforce liens on properties with delinquent sewer in accordance with title 38 M. R. S. A. chapter 1208.
- The Tax Collector and/or City Treasurer shall enforce liens on properties with delinquent water in accordance with title 35-A M. R. S. A.
- The City reserves the right to participate in any of the following to collect amounts due:

- Turn accounts over to the city's attorney
- Turn accounts over to a collection agency
- File in small claims court
- Enter into payment arrangements
- Turn the accounts over to a city employee for any further action that may be deemed appropriate.