

SCHWENKSVILLE BOROUGH

RESOLUTION NO. 2022-15

**RESOLUTION TO IMPLEMENT ACT 57 OF 2022 REGARDING
PROPERTY TAX PENALTY WAIVER PROVISIONS**

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 within 90 days of the effective date of the act, or not later than January 9, 2023, directing the tax collector to waive additional charges for real estate taxes in certain situations; and

NOW, THEREFORE, it is hereby resolved and enacted by the Borough Council of the Borough of Schwenksville, Montgomery County, Pennsylvania as follows:

Pursuant to the authority of the Borough Code, the Borough Council hereby directs the tax collector to comply with the provisions of Act 57 and this resolution for tax years beginning on or after January 1, 2023.

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 elected tax collector for Schwenksville Borough, Montgomery County, any authorized or designated delinquent tax collector, the Montgomery 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 complies with all of the following requirements:

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.

RESOLVED and ENACTED this ____ day of _____,
2022, by the Borough Council of the Borough of Schwenksville.

SCHWENKSVILLE BOROUGH COUNCIL

Chris Melville, President

Attest:

Gail Phillips
Borough Secretary