



Legislation Text

File #: 19-2327, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 6, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Consideration of Authorization to Advertise Delinquent Tax Listings Greater Than \$1,000, Write off Balance of Less Than Twenty Dollars and Destroy Records as Required by State Law.

ISSUE: Requesting Council authorization to publish the listings of delinquent taxes greater than \$1,000 online, write off balances less than twenty dollars, and to destroy records as required by State law.

RECOMMENDATION: That City Council:

- (1) Receive the listings of delinquent local property taxes;
- (2) Authorize that those parts of the delinquent real estate and personal property tax listings deemed advisable by the Director of Finance be published on the City of Alexandria website;
- (3) Authorize the Director of Finance to write-off uncollected tax balances less than twenty dollars each, totaling \$17,640 as of June 30, 2019, for which the Director of Finance has determined that the cost of collecting such balances would exceed the recoverable amount, provided that the Director of Finance will not include any balance for which she has reason to believe the taxpayer has intentionally paid less than the amount due and owed; and
- (4) Authorize the Director of Finance to destroy records associated with taxes paid in calendar year 2013 and prior years in accordance with Code of Virginia §58.1-3129(A).

BACKGROUND: Code of Virginia §58.1-3924 provides for the Director of Finance to present City Council with listings of delinquent local property taxes annually. This docket memo reflects a related set of

recommendations that are presented to Council annually for action. To meet this provision, the Director of Finance compiles the following types of listings of delinquent taxes as of June 30:

1. A list of delinquent real estate taxes;
2. List(s) of delinquent personal property taxes;
3. List(s) of delinquent property taxes amounting to less than twenty dollars for which no bills were sent; and
4. List(s) of the uncollected balances of previously billed property taxes for which the Director of Finance has determined the cost of collecting such balances would exceed the recoverable amount, provided that the Director of Finance will not include any balance for which she has reason to believe the taxpayer has purposely paid less than the amount due and owed.

These lists are available for public inspection during normal business hours in the Director of Finance's Office located in City Hall, Suite 1600.

Code of Virginia §58.1-3129 states, "The treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.)." In accordance with this section, the Director of Finance seeks City Council's permission to destroy records pertaining to taxes paid for calendar year 2013 and prior years.

DISCUSSION: The Finance Department has compiled seven lists of various categories of delinquent City taxes and associated penalties, interest and fees as required by the Code of Virginia. Summary data for Lists 1 through 4 can be found in Table I. Summary data for lists 5 through 7 can be found in Table II.

List 1 Listing of Real Estate Taxes for 2014 through 2018 Delinquent as of June 30, 2019.

List 2 Listing of Individual Personal Property Taxes for 2014 through 2018 Delinquent as of June 30, 2019.

List 3 Listing of Personal Property Taxes on Business Vehicles for 2014 through 2018 Delinquent as of June 30, 2019.

List 4 Listing of Business Personal Property Taxes for 2014 through 2018 Delinquent as of June 30, 2019.

List 5 Listing of Uncollected Individual Personal Property Taxes for 2018 Amounting to Twenty Dollars or Less as of June 30, 2019.

List 6 Listing of Uncollected Personal Property Taxes on Business Vehicles for 2018 Amounting to Twenty Dollars or Less as of June 30, 2019.

List 7 Listing of Uncollected Business Personal Property Taxes for 2018 Amounting to Twenty Dollars or Less as of June 30, 2019.

Table I

Delinquent Real Estate and Personal Property Taxes for 2014-2018
As of June 30, 2019
(Amounts in millions)

List	Tax Type	Tax Levied	Taxes Collected	Percentage Collected	Taxes Due	Total Due
1	Real Estate	\$1,994.9	\$1,992.7	99.9%	\$2.2	\$2.4
2&3	Vehicle Personal Property	\$ 273.2	\$ 268.4	98.3%	\$4.7	\$7.2
4	Business Personal Property	\$ <u>79.7</u>	\$ <u>78.7</u>	98.7%	<u>\$1.0</u>	<u>\$1.3</u>
	TOTAL	\$2,347.8	\$2,339.8	99.7%	\$7.9	\$10.9

Table II

Delinquent Personal Property Taxes for 2018
As of June 30, 2019
Tax amounts less than \$20

List	Tax Type	Total Tax Due	Number of Taxpayers	Average Balance Due
5	Individual Vehicles	\$ 10,033	1,882	\$ 5.33
6	Business Vehicles	\$ 231	34	\$ 6.80
7	Other Business Personal Property	\$ 7,376	1,189	\$ 6.20
	TOTAL	\$17,640	3,105	\$ 5.68

Summary of Real Estate Tax Collection Statistics: As displayed in Table I, the Finance Department has collected \$1.99 billion, or 99.9 percent, of the real estate taxes levied for tax years 2014 through 2018. The “Top Twenty” delinquent real estate taxpayers comprise \$0.74 million or 31 percent of the total outstanding delinquency (Attachment).

The Finance Department uses a variety of tools to monitor and collect delinquent taxes. These tools may

include delinquency notifications and summons notices issued to delinquent taxpayers, as well as rent liens, bank liens, wage liens, and Circuit Court judgments placed against property owners. The Department works with the City Attorney's Office to initiate formal judicial sale procedures against delinquent taxpayers. The City uses this option cautiously, to avoid taking a person's home via judicial sale if collection can be achieved through other means. At times, merely initiating the judicial sale process incentivizes either the property owner or the mortgage holder to pay the taxes due. Real estate taxes on a property must be delinquent for three years before a Virginia locality can begin judicial proceedings. Staff also promotes Tax Relief for the Elderly and Disabled, to ensure property owners are aware of the program.

Collection efforts resulted in 9 property owners appearing on last year's "Top Twenty" real estate list having sufficiently satisfied their tax obligations to avoid inclusion on this year's listing, paying a total of approximately \$0.2 million in taxes, penalties, and interest for prior tax years. On this year's list, 10 owners are currently being addressed through the Finance Department's in-house collection process. The remaining 10 taxpayers have been referred to the City Attorney's Office for collection. As authorized by Council as part of the approved budget, beginning in FY 2020, after due notice, delinquent real estate accounts will be referred to the City's third-party collection attorneys, Taxing Authority Consulting Services, PC (TACS). This added effort is at no cost to the City as the delinquent taxpayer is responsible for collection costs as authorized by State law. Ample advance notice is given to taxpayers in order to encourage them to avoid additional costs. The Department of Finance will maintain oversight of the collection program, and TACS will work closely with both the Department of Finance and the City Attorney's Office. While pursuing its statutory collection mission, staff will continue to utilize compassionate, customer-focused payment plans when necessary.

To preserve the City's interest in the collection of delinquent real estate taxes, Virginia Code §58.1-3340 provides that a priority lien is automatically placed (by operation of law) on property with outstanding real estate taxes. This tax lien is a claim by the City for payment of the tax debt and begins on the day following the payment due date. The lien is recorded against delinquent properties on the City's computerized Real Estate system pursuant to Virginia Code § 58.1-3930, and remains in effect until the outstanding taxes, penalties and interest have been paid in full. The statutory lien ensures that the City will collect any delinquent real estate taxes when the owner sells the property or applies for a mortgage. This includes delinquent Stormwater Management Fees. Pursuant to Section 5-6-237(C) of the Code of the City of Alexandria; delinquent Stormwater Management Fees "constitute a lien on the property ranking on parity with liens for unpaid taxes and shall be collected in the same manner as provided for the collection of unpaid taxes." Virginia law allows staff to pursue delinquent real estate taxes for a period of 20 years.

Summary of Vehicle Personal Property Tax Collection Statistics: As shown in Table I, the Finance Department has collected \$268.4 million, or 98.3 percent, of the vehicle personal property taxes levied for tax years 2014 through 2018. Because a relatively large portion of the City's population is very transient, collecting personal property taxes on vehicles is far more challenging than collecting real estate taxes. At the beginning of FY 2019, the City issued approximately 123,000 personal property tax bills for vehicles, with nearly 22,000 additional moves and purchases of vehicles throughout the fiscal year.

In order to pursue all vehicles subject to taxation, the Department of Finance undertakes weekly computer matching to records of the Virginia DMV. Field observations are also made based upon citizen complaints, and apartment rent rolls are obtained where feasible, pursuant to Virginia law, to help identify potential tax evaders. The City's \$350 surcharge is also applied to vehicles erroneously displaying out-of-state license plates, following investigation by the department's RADAR program (Research and Discover All Registrations). Through its research in FY 2019, the RADAR program added 613 vehicles to the tax roll, generating approximately \$370,000 in additional tax levy.

As authorized by Council as part of the approved budget, beginning in FY 2020 the RADAR program will begin a discovery initiative following the elimination of vehicle decals. Utilizing an automated license plate reader camera, staff will systematically canvass the City on an ongoing basis, matching vehicle license plates to the City's vehicle tax roll. Vehicles that are not registered will be manually researched by staff to validate potential tax liabilities.

At the same time, the cameras will enable the Department of Finance to immediately identify vehicles that have outstanding delinquent taxes or unpaid parking tickets. With this information, staff will affix large orange levy stickers to the vehicle front windshield until payment in full is obtained. The orange levy stickers are a more efficient and economical seizure process for both staff and the public, but as may be required in some cases, staff may also seize the vehicle license plates or resort to a traditional physical boot. All of these measures are authorized by state and local law. Seizures are only done as a last resort, and taxpayers have ample opportunities to work with the department in advance to resolve delinquencies.

Staff also issue bank and wage liens as may be necessary and make extensive use of the State's Set-Off Debt program for income tax refunds otherwise intended for delinquent taxpayers. Holds are also placed on DMV registrations in cases of delinquent Car Taxes.

Finally, once taxes have been delinquent for three months, accounts are placed with the department's private collection agency, Nationwide Credit Corporation (NCC). Similar to TACS, this outsourcing is at no cost to the City as the delinquent taxpayer is responsible for NCC's 20% collection fee, as authorized by Va. Code § 58.1-3958.

In FY 2019, NCC collected \$2.6 million in City Car Taxes. Of this amount, \$1.5 million was from late payments for the current tax year 2018, and \$1.1 million was from delinquent prior year taxes (tax years 2013 - 2017). Again, taxpayers are given ample opportunity to avoid NCC's additional collection fee, as the Department of Finance sends appropriate warning letters in advance of placement. These warning letters generated \$415,033 payments directly to the City, in advance of placement with NCC.

Along with numerous telephone calls and letters, collection efforts included 561 bank and wage liens generating approximately \$105,000 in payments. Staff also assists taxpayers with documented financial hardship, currently administering 111 payment plans (68 Car Tax; 38 Real Estate; and 5 Business Taxes).

Pursuant to the Code of Virginia, the statute of limitations for the collection of delinquent Car Taxes is five years, except in cases where the taxes have been reduced to judgment.

Summary of Business Personal Property Tax Collection Statistics: As shown in Table I, the Finance Department has collected \$78.7 million, or 98.7 percent, of the business personal property taxes levied for tax years 2014 through 2018. As allowed by Virginia law, the delinquent amount includes statutory assessments made on the best information available pending the filing of timely tax returns. Staff works with businesses throughout the year to obtain returns, and to adjust and collect the appropriate amounts. As authorized as part of the FY 2020 budget, staff will also begin placing delinquent Business Personal Property taxes with NCC this spring. Like Car Taxes, the statute of limitations for collection is five years.

Publishing List of Delinquent Taxpayers: As authorized, the Department of Finance intends to continue the practice of posting certain delinquent tax information on the City's website. Given the ability to make information more widely available on the web, the Finance Department no longer publishes the names of

delinquent taxpayers in the newspaper, with no negative impact on the collection rate. The status of all delinquencies is checked prior to listing, and accounts are adjusted for tax payments made between June 30 and the online posting. If the taxes are paid in full before posting online, the property owner's name or the name of the business will not be listed. Names of taxpayers that have received tax adjustments for amounts discharged under bankruptcy, filed tax exemption appeals, appealed the tax assessment or entered into formal payment arrangements with the City will also not be listed. Within the framework described above, the Finance Department is requesting that City Council authorize the publication on the City's website of those portions of the real estate tax and personal property tax listings deemed advisable by the Director, specifically for taxpayers who have a delinquent balance of \$1,000 or greater.

FISCAL IMPACT: Staff efforts resulted in the collection of more than \$6 million in delinquent taxes, penalties and interest in FY 2019. The Department of Finance anticipates collecting a comparable amount in FY 2020.

ATTACHMENT: Top Twenty Delinquent Real Estate Taxpayers for Tax Years 2018 and Prior as of October 22, 2019

STAFF:

Kendel Taylor, Director, Department of Finance

Kevin C. Greenlief, Acting Deputy Director, Revenue, Department of Finance

David Clark, Assistant Director, Treasury, Department of Finance

Kenneth Acoff, Jr., Manager, Discovery & Collections, Revenue Division, Dept. of Finance