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How many written notifications do delinquent tax collectors need to provide to delinquent taxpayers?

Vermont law requires that a delinquent tax collector provide written notification to a delinquent taxpayer in two instances. The statutes that impose these notification requirements have similar notice provisions, which have created some confusion about the number of notices that are required.

The first notification is the one that must be sent out before any formal collection effort can be undertaken by the delinquent tax collector. This written notice must allow residents of a town at least 10 days, and nonresidents at least 20 days, to pay the amount due before the delinquent tax collector can proceed with any collection action. The written notice must specify the time and place where payment can be made and the amount owed, including taxes, fees, and interest. 32 V.S.A. §§ 4842, 4874.

The second notification that a delinquent tax collector must provide relates to an impending tax sale. If the delinquent tax collector extends a warrant on a delinquent taxpayer's property, the delinquent taxpayer must be given advance written notification of the tax sale. Written notification must be sent by registered mail, return receipt requested, to the last known address of the delinquent taxpayer. The notification must be sent at least 10 days prior to the sale for residents, and 20 days prior to the sale for nonresidents, and the notification must state the date and location of the tax sale. 32 V.S.A. § 5252(3).

Once the delinquent tax collector receives the warrant for delinquent taxes from the treasurer, the delinquent tax collector must mail the first notice mentioned above to all delinquent taxpayers. The second type of notice is only necessary if the delinquent tax collector is unable to collect the delinquent taxes and decides to move forward with selling the property at a tax sale. A delinquent tax collector can certainly provide more notice than what the statutory minimum allows, and it may even help in keeping a property from going up for tax sale.

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