



SPONSOR: Rep. K. Johnson & Sen. Walsh  
Reps. Bentz, Osienski, Seigfried, Michael Smith, Viola;  
Sen. Ennis

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 139

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO USE BY NEW CASTLE COUNTY OF THE MONITION METHOD OF SALE FOR THE COLLECTION OF DELINQUENT TAXES FOR THE COLLECTION OF DELINQUENT SEWER SERVICE CHARGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend § 2211, Title 9 of the Delaware Code by making deletions as shown by strikethrough and  
2     insertions as shown by underline as follows:

3           § 2211 Lien of service charges on real estate.

4           (a) In the event that any service charge is not paid as and when due, the unpaid balance thereof and any penalties  
5     accrued thereon shall be a lien on the parcel of real property with regard to which the service charge was made. The lien  
6     shall be superior and paramount to the penalties in such parcel of any owner, lessee, tenant, mortgagee or other person,  
7     except the lien of taxes.

8           (b) If any service charges remain unpaid ~~at the end of 1 year~~ after the due date, ~~or any charges in an amount~~  
9     ~~greater than \$250 remain unpaid at the end of 60 days after the due date,~~ the County Council chief financial officer, in his  
10    or her discretion, may ~~cause to be brought proper~~ institute a proceedings for the enforcement of the lien ~~and levy the service~~  
11    ~~charges as an assessment~~ with penalties thereon accrued, and all costs thereon, ~~upon the grounds and buildings with regard~~  
12    ~~to which the service charges were made~~ under the method for collecting delinquent taxes established under Chapter 87 of  
13    this title. Such grounds and buildings, or any part thereof, may be sold by the Sheriff of the county as is provided by law.

14          (c) The Sheriff shall, out of the purchase money of the premises so sold, pay all costs arising from the process  
15     and sale to the parties entitled thereto respectively, and shall pay the amount of the service charge with accrued penalties  
16     thereon to the ~~County Council~~ Office of Finance. The Any residue of the purchase money shall be ~~immediately~~ deposited to  
17     ~~the credit of the owner or owners of record of the property so sold in a depository bank having been designated by New~~  
18     ~~Castle County by the Sheriff in accordance with applicable rules and procedures of the Superior Court.~~

19          Section 2. Amend Chapter 22 (Sewers), Subchapter II (Monition Method of Sale in New Castle County), Title 9 of  
20     the Delaware Code by deleting Subchapter II in its entirety.

### SYNOPSIS

This Act will enable New Castle County to collect delinquent sewer service charges under the procedures established by Chapter 87 of Title 9 for the collection of delinquent county taxes. Under the existing method for New Castle County established by Chapter 22, Subchapter II (Monition Method of Sale in New Castle County), of Title 9 for the collection of delinquent sewer service charges, a jury trial must be held if the property owner or an interested party submits an affidavit of defense denying the service charges in whole or in part. In addition, under Section 2211 of Title 9, County Council must first levy the delinquent sewer service charges as an assessment prior to the institution of any legal proceedings. This Act removes the existing sewer monition method of sale in its entirety and will enable New Castle County to collect delinquent sewer service charges in the same manner as taxes are collected under the less burdensome and more efficient monition method of sale established by Chapter 87 of Title 9.