

# 2021 New Castle County Maintenance Corporation Billing Program Enrollment Form & Contract

## Purpose of this document:

1. Enrolls the identified Maintenance Corporation (MC) into New Castle County's Maintenance Corporation billing program for the calendar year specified on the application / contract.
  - a. All areas must be completed & signed by an authorized representative of the MC.
  - b. This form must be returned with a list of MC contacts authorized to make requests / updates on behalf of the MC. Those listed will be the **ONLY** person(s) New Castle County (NCC) will accept requests / updates from. If no list is provided, NCC will only communicate with the person(s) listed under the "Contact" areas on the signup form.
2. Defines the scope of the program.
3. Sets forth the obligations of any participating Maintenance Corporation.

## I. Services to be provided by New Castle County (please initial next to each item)

### **Billing functions:**

\_\_\_\_\_  
(init.)

New Castle County shall send annual Maintenance Corporation bills no later than March 31<sup>st</sup>. A maximum of three follow-up bills / "delinquent notices" for unpaid balances will be sent during the year. All bills will be sent to the mailing address contained in New Castle County's tax records.

New Castle County will only bill for assessments incurred from the time the MC becomes a part of the program, to the time in which the MC first leaves the program (or becomes inactive in the program). Once a MC leaves the program (or becomes inactive by direct notification or by not renewing its contract), NCC will provide the MC contact(s) with a detailed report of any participating parcel's outstanding balance(s). This will constitute NCC's final report to the MC and no further tracking (or billing) of this information will continue in NCC's systems. If the MC elects to return to the program, new tracking and billing will begin from that point forward. NCC will not bill for any prior balances.

### **Billing Schedule:**

\_\_\_\_\_  
(init.)

Maintenance Corporation bills shall be issued by New Castle County according to the following schedule:

March: Annual bills are sent. The due date is April 30<sup>th</sup>. If April 30<sup>th</sup> falls on a weekend or holiday, the following business day is the due date.  
May: First delinquent notice sent.  
August: Second delinquent notice sent.  
November: Third (and final) delinquent notice sent.

### **Receipt and processing of payments:**

\_\_\_\_\_  
(init.)

New Castle County shall receive, process, and post payments to property owners' accounts for the duration the MC is an *active* participant in the County's billing program. Once a MC becomes inactive in the program, payments shall either 1) be forwarded directly to the last known MC contact; or 2) will be returned to the payee. New Castle County shall deposit payments into an account set up specifically for the Maintenance Corporation payments. This account will be separate from all other County accounts.

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**Remittances to Maintenance Corporations:**

(init.)

New Castle County shall remit payment(s) to Maintenance Corporations by **ACH only**, based on the following schedule (\*pending weekends, holidays, and NCC’s month end accounting schedule):

- February: all payments posted between November 1 and January 31\*
- May: all payments posted between February 1 and April 30\*
- June: all payments posted between May 1 and May 31\*
- August: all payments posted between June 1 and July 31\*
- November: all payments posted between August 1 and October 31\*

**ACH payments** will be made to the bank account designated by the MC no later than the last day of each month listed above. If the last day of the month falls on a weekend, ACH payments may be made on the next business day. New Castle County will send an electronic version of payment information by tax parcel number via email to the designated MC primary contact. Other authorized MC contacts may request a report of unpaid accounts on a periodic basis by emailing [NCCMainCorpBilling@newcastlede.gov](mailto:NCCMainCorpBilling@newcastlede.gov).

To receive scheduled **ACH payments**, the MC must register as an NCC approved vendor via the County’s website. Instructions will be provided to the MC contact upon NCC’s receipt of the MC’s completed sign-up forms and signed contract. Please note that the website will require the MC to upload a completed and signed W-9 form. If you are already a registered vendor with NCC, please make sure to access the self-service online application to re-certify all information.

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**Penalty on unpaid balances:**

(init.)

Penalty will be applied to any unpaid principal balance(s) the first of every month, according to the formula supplied by the respective MC. Penalty amounts will be calculated against current year unpaid principle balances only, and such calculations will continue until the balance is paid in full unless otherwise specified in the calculation provided by the MC.

**Example:** If a parcel is delinquent at the end of the current contract cycle (2020), NCC will continue to calculate penalty against the delinquent principal balance(s) in perpetuity, until it is paid in full or until the MC is no longer active in the program. If the MC wishes to have a maximum amount or timeframe for which penalty is calculated, the MC must state that in the calculation method (i.e.: “1% per month, up to 12 months”).

The County may not post every payment received on the last day of the month by the end of business on that day. New Castle County, Office of Finance, Treasury Department will calculate and post penalty after all “on time” payments for that month have posted to their respective accounts. However, penalty is due for all unpaid or late paid principal balances as of the first of the month; even if penalty has not yet posted to an account.

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**Adjustments and/or “Corrections”:**

(init.)

NCC will take appropriate action(s) to adjust / correct account errors made by the County. NCC will not make any other adjustments / corrections without a written request from an authorized contact of the Maintenance Corporation. **ALL** other types of adjustments or corrections must be requested in writing from one of the pre-listed authorized contacts / designees of the MC. It is the responsibility of the MC to keep all authorized contact information documented and up to date with NCC.

**II. Cost(s) for New Castle County Services** (please initial next to each item)

\_\_\_\_\_ **Per parcel fee:**  
(init.)

NCC shall charge participating Maintenance Corporations an annual per parcel fee to cover all costs associated with the billing program. The program is designed to be self sustaining, and shall not be funded by New Castle County taxpayers.

New Castle County will set the annual “per parcel” fee for the following calendar year by December 15<sup>th</sup> of each year. Every Maintenance Corporation will pay this fee multiplied by the number of parcels to be billed by the County.

\_\_\_\_\_ **Deductions by New Castle County:**  
(init.)

The total annual fee [(county “per parcel” fee) x (# of parcels)] will be deducted by New Castle County prior to the County’s transmittal of the May remittance. If the May remittance is insufficient to cover the total annual fee, any remainder will be deducted (in full) from subsequent remittances (June, August, November, etc.) until the balance is paid in full.

\_\_\_\_\_ **2021 per parcel fee:**  
(init.)

The per parcel fee for calendar year 2021 is **\$0.00** (“waived”).

**III. Obligations of the Maintenance Corporation** (please initial next to each item)

**The Maintenance Corporation must meet all obligations listed below. If it does not, it may be removed from the program.**

\_\_\_\_\_ **Due Dates for enrollment forms:**  
(init.)

Completed & signed enrollment forms and contracts **must be received by** New Castle County based on the following deadlines:

**Maintenance Corporations that are *NOT* currently participating in this program must submit their forms & contract by Monday, February 1, 2021.**

**Maintenance Corporations that are currently participating in this program must submit their forms & contract by Monday, February 15, 2021.**

\_\_\_\_\_ **Signature(s) of authorized member(s) of the Maintenance Corporation:**  
(init.)

The enrollment forms and contract must be signed by the President of the MC, or another member / designee of the MC who is authorized to make decisions on the MC’s behalf. **Every item requested must be filled in / completed, every area requiring initials / signature must be completed BEFORE the enrollment due dates.**

\_\_\_\_\_ **County contact(s):**

(init.)

The MC is required to provide the name(s) and contact information of all approved contact person(s) of the MC. The MC is required to identify which of these contact person(s) are considered “authorized to make decisions on behalf of the MC”. Please attach any additional forms as needed.

The MC is required to provide specific contact information that can be given to customers upon customer request. **ALL** areas requested below under “MC contact information for CUSTOMER inquiries” must be completed. If contact information is not provided, NCC will direct all general and continuous correspondence (including customer requests and the periodic payment notices) to the contact information listed on the enrollment forms.

NCC will not act on any requests submitted by persons who have not been pre-identified / pre-approved by the MC. It is the responsibility of the MC’s authorized contact person(s) to immediately notify NCC in writing of any changes.

\_\_\_\_\_ **Compliance with State law and County regulations:**

(init.)

It is the responsibility of Maintenance Corporation for ensuring that all charges for services included in the annual maintenance corporation assessment are consistent with all applicable State and County Codes.

\_\_\_\_\_ **Collections Activity:**

(init.)

Any collections action(s) is the sole obligation of the Maintenance Corporation. NCC will **not** undertake any collections activity for unpaid balances, other than sending up to three delinquent notices as listed above in the County services section. NCC will **not** add any “other” charges to the customer’s assessment bill. This includes, but is not limited to, any charges incurred by the MC for collection(s) activity. As stated in section I, the County will **not** add any unpaid assessment balances that reside on any parcels when the subdivision enters the county program. It is the responsibility of the MC to bill and collect any such “other” amounts.

\_\_\_\_\_ **Disputes:**

(init.)

The MC must resolve any disputes about penalty charges or annual billing amounts directly. Inquiries received by NCC will be directed to the MC contact person. If adjustments / corrections are needed, the request must come directly from a MC authorized person to NCC. It is **not** the responsibility of NCC to re-validate requests for adjustments / corrections received on parcels owned by a pre-authorized / pre-designated representative of the MC.

\_\_\_\_\_ **Penalty Adjustments:**

(init.)

Penalty adjustments will be completed only upon receipt of a written request from a pre-designated / pre-authorized MC contact. It is **not** the responsibility of NCC to re-validate requests received on parcels owned by a pre-authorized / pre-designated representative of the MC.

**Annual Renewal:**

(init.)

NCC will send renewal agreements / documents no later than December of each year. This information will be sent to the most recently identified MC contact person. Participating MC's must submit annual renewal forms & contracts by February 15<sup>th</sup> of each year. If February 15<sup>th</sup> is a weekend or holiday, the form must be received by NCC no later than the next business day.

**IV. To Be Completed by the Maintenance Corporation – *all fields must be completed***

**MC Contact Information for CUSTOMER inquiries:**

Primary Contact Name: \_\_\_\_\_

Primary Contact Address: \_\_\_\_\_

Primary Contact Telephone Number: \_\_\_\_\_

Primary Contact Email Address: \_\_\_\_\_

**MC Contact Information for NEW CASTLE COUNTY:**

Maintenance Corporation Name: \_\_\_\_\_

Number of Parcels in Subdivision: \_\_\_\_\_

Maintenance Corporation Address: \_\_\_\_\_

Primary Contact Name: \_\_\_\_\_

Primary Contact Telephone Number: \_\_\_\_\_

Primary Contact Email Address: \_\_\_\_\_

Primary Contact Address: \_\_\_\_\_

Secondary Contact Name: \_\_\_\_\_

Secondary Contact Email: \_\_\_\_\_

Secondary Contact Telephone Number: \_\_\_\_\_

Secondary Contact Address: \_\_\_\_\_

**Annual Assessment Information**

Amount to be billed per parcel in March 2021: \_\_\_\_\_

**Penalty Calculation**

Provide a requested formula for imposing penalty on unpaid 2021 balances. **If no formula is provided (or if this space is left blank), penalty will not be charged during this enrollment cycle.** Formulas are **not** automatically re-used year after year. The MC must provide a formula on every enrollment / contract.

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Under penalty of perjury, I certify that the information provided on this form is true and accurate to the best of my knowledge and abilities, and all supporting documentation presented is either original or true unaltered copies of the original documents. I understand and consent to the use of electronic documents and communication. I understand that affixing my name electronically has the same legal effect as a handwritten signature on a paper document, pursuant to 6 Del. C. Ch. 12A. **By signing, or affixing my digital signature to this enrollment form and contract, I affirm that I have the right and ability to enter into this contract on behalf of the represented Maintenance Corporation and that the Maintenance Corporation affirms that it understands everything listed in the contract, and that it will fulfill all of its obligations as outlined by the documentation.**

**PRINT Name and Title of MC Representative:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\*\*\*All fields on this form are required. If any area is not completed, NCC reserves the right to consider the form “incomplete” and deny the application / contract. Any area not completed directly by the MC will not be considered “complete” without written details from an authorized contact person of the Maintenance Corporation. The form must be completed, signed, and received by New Castle County, Treasury Department BEFORE the above listed applicable due date.**