VACANT & ABANDONED PROPERTIES

INITIATIVE

MAYOR PETE BUTTIGIEG

CITY OF SOUTH BEND, IN

2013

WHAT CAN I DO?
RESIDENT INFORMATION BOOKLET

SOUTHBENDIN.GOV

VACANT & ABANDONED PROPERTIES

Shortly after taking office in 2012, Mayor Pete Buttigieg convened a group of city and county officials, private sector practitioners, and neighborhood advocates to form a working group to address the issue of vacant and abandoned properties. Co-chaired by academic expert Jim Kelly from the Law School of the University of Notre Dame, this group took on the dual challenge of analyzing the dimensions of South Bend's problem, and assessing the elements of a comprehensive solution.

This booklet provides information to residents on how they can get involved in the effort to address vacant and abandoned properties in the community. You will learn:

- What you can do to reduce the negative impact of an abandoned property on your neighborhood,
- What processes exist for purchasing an abandoned property,
- How to find property information (such as address or owner) for a house or vacant lot so you can report code violations or contact the owner, and
- What are potential reuses of an abandoned property once you purchase it.

To see the report completed by this group, which examines the causes of abandoned properties as well as ways to address them, go to

www.southbendin.gov/vapreport

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VACANT & ABANDONED HOUSING INITIATIVE
SOUTH BEND, IN

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GOOD SAMARITAN LAW

Some neighbors of vacant and abandoned properties have expressed an interest in maintaining yards, securing buildings, or gardening on the properties. Many have asked City officials for permission to take these remedial actions. It is important to remember that the **City does not own the properties, and cannot give people permission to enter** onto them. As a general rule, stepping onto a property without the owner's permission is trespassing, and could result in civil or criminal liability.

However, Indiana recently passed the "Good Samaritan Law," (found in Indiana Code Section 34-30-26-5) which provides limited exception to the trespassing law. The Good Samaritan law allows a non-owner to lock or board an entry to a building. It also allows a non-owner to remove trash and complete simple yard upkeep, including mow the property. If the non-owner does these things without gross negligence or intentional misconduct the person will not be subject to liability. The Good Samaritan Law does not allow a person to enter the property of another for the purpose of gardening, or to enter a building on the property under any circumstances.

The City encourages neighbors to play an active role in maintaining abandoned properties within the confines of the Good Samaritan Law. The City cannot give legal advice to people seeking to maintain a vacant and abandoned property, but can suggest that any person concerned about such a property refer to the Good Samaritan Law and to contact the **Department of Code Enforcement at 574-235-9486** about any property thought to be abandoned.

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HOW TO ACQUIRE AN ABANDONED PROPERTY OR VACANT LOT

One of the keys to reducing abandoned properties is changing ownership. There are a couple ways that residents can buy an abandoned property or vacant lot:

1. Through Property Tax Sale or Commissioners' Certificate Sale
2. Purchase directly from the property owner

<u>Tax Sale & Commissioners' Certificate Sale</u>

Property Tax Sale

Within the State of Indiana, when property taxes or special assessments from the prior installments are delinquent, the property becomes eligible for the county tax sale. Counties may conduct up to one tax sale during each tax year. These sales are typically held in the fall. Tax Sales and all eligible properties are advertised in advance of the day of the sale.

Tax Sales are an open auction format. The minimum bid is advertised and is the lowest amount that can be accepted by law. The bidder or their authorized representative must attend the public auction to bid on properties. Purchases are not permitted by mail, phone, or fax. The winning bidder will be awarded a tax sale certificate based upon the highest bid and the satisfactory form of payment. All sales are final. Buyers are obligated to pay within 24 hours of award by certified funds accompanied by the tax sale certificate.

The original property owner retains ownership for a one year redemption period following tax sale. This redemption period permits the original owner to pay all delinquent taxes and associated penalties plus an additional 10 % and additional costs that go to the bidder.

It is important to know that until a lien buyer (successful bidder) is issued a tax deed for the property pursuant to a court order, he or she does not have any right to either take possession of or secure the property. If the lien buyer enters the premises before he or she is issued a tax deed, the lien buyer is trespassing. Also, no liens or encumbrances are extinguished by virtue of a county tax sale. The event that may potentially extinguish various liens and encumbrances is the issuance of a tax deed. A tax deed executed under State of Indiana Code vests in the grantee an estate of fee simple

absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale, except for those items granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and land use; including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale.

County Commissioners' Certificate Sale

The Board of County Commissioners is issued a tax sale certificate for all parcels not sold at the county tax sale giving them the same rights as a lien buyer. The County Commissioners may decide to sell a certificate to the highest bidder for less than the amount previously offered at the tax sale based on the minimum bid. The main difference between a tax sale and a commissioners' certificate sale is that the redemption period is 120 days, and minimum bids may be reduced.

Prior to purchasing property via tax sale or commissioners' certificate sale consultation with an attorney or another tax sale professional is strongly encouraged.

Additional details about the tax sale and county commissioners' certificate sale process are available by contacting the St. Joseph County Treasurer at 574-235-9531 or SRI (the company which conducts the sales for St. Joseph County) at www.sri-taxsale.com.

Directly from Owner

Many abandoned properties are not current on taxes; however there are some instances where an abandoned property is not available through a tax sale or commissioners' certificate sale. In these cases, the only way to acquire a property is by contacting the owner and reaching an agreement to purchase the property directly from them.

See section 4 for information on how to search for an owner.

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PROPERTY INFORMATION SEARCH

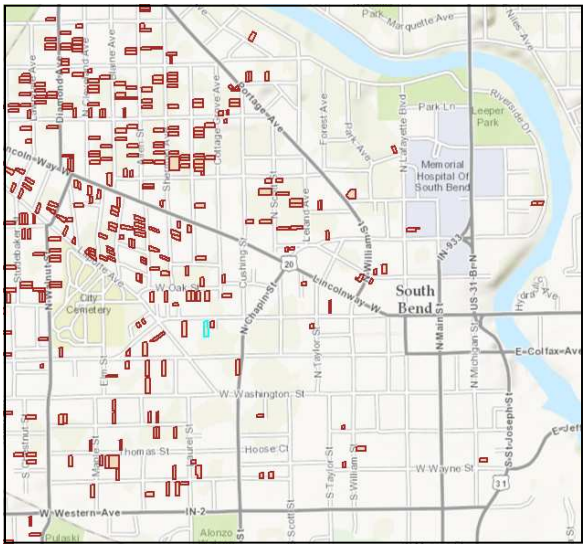
Often in order for you to help address a problem property you need to know the property address or the owner. But information about abandoned properties can be difficult to know. How do you know the address of a property when it is not clearly displayed on a house? How do you know who now owns the house down the street? When you are looking for this type of information, follow these steps to find out more about a property:

Find Property Information

For abandoned properties:

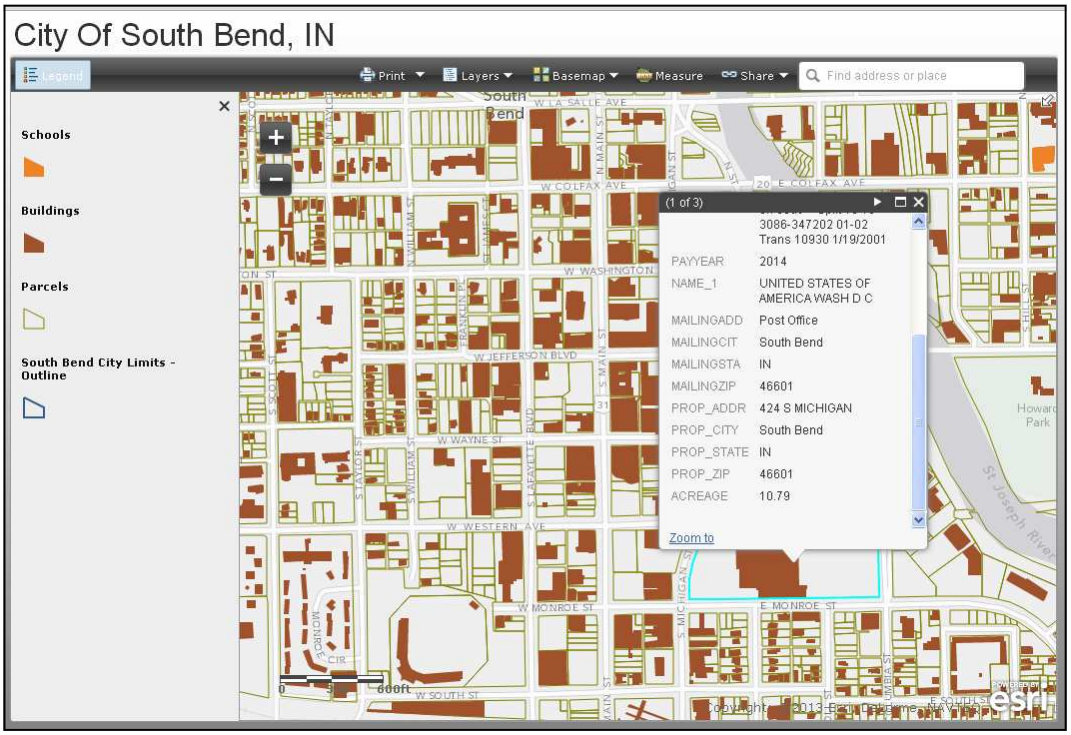
- Go directly to the page at www.southbendin.gov/vaprops
- Or go to www.southbendin.gov
- Click on the "Vacant & Abandoned Properties Initiative" Icon
- Select the "Abandoned Properties Information" link on the left
- Click on "View interactive map"
- A new window with a map of abandoned homes in South Bend will open. The abandoned properties are denoted in red. Zoom in to the specific property in question (using either the "+" and "-" tools in the upper left or by scrolling with your mouse).
- Right click on the property you are interested in and property information will appear.

As abandoned homes are addressed, they will be denoted in a different color.



If the property in question is not listed as abandoned, you can do the following to access property information:

- Go directly to the page at www.southbendin.gov/interactivemap
- Or go to www.southbendin.gov
- Click on “My Government” located in the top toolbar
- Select “Online Tools” (to the far right) and click on “Interactive Mapping – GIS”
- Click on “Launch Interactive Mapping in full window” to access the mapping software.
- A new window with a map of the City of South Bend will open. To zoom, use either the “+” and “-“ tools in the upper left or scroll with your mouse.
- You can also locate a property by using the Search Tool in the upper right hand side of the window and entering the property address.
- Once you locate the property you are interested in, right click on it and property information will appear.



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PROPERTY REUSE OPTIONS

Once you purchase an abandoned home or vacant lot in your neighborhood there are a number of things you can do with the property:

Rehabilitate the House

Not all homes that qualify as abandoned need to be demolished. Rather, some abandoned homes can, and should, be rehabilitated.

Prior to purchasing a home, you should:

- Contact the Department of Code Enforcement to ensure that there is not an affirmed demolition order against the house.
- Evaluate the condition of the house to determine the extent of repairs needed and the associated cost.
- Prior to hiring a contractor to complete work on your newly purchased home, contact the Building Department to ensure they are licensed in St. Joseph County.

Urban Gardening

Urban gardening offers an opportunity for neighbors to grow food either for themselves or to provide to those in need. If the garden will be open to the broader community, you should consider partnering with the nonprofit organization Unity Gardens which can help with unexpected costs like liability insurance but also coordinates and educates volunteers to manage gardens.

Pocket Park

Pocket parks provide a small scale park space to a neighborhood. They can take the form of a small playground, a passive park or even a dog park. Often they are owned and maintained by a neighborhood group or other nonprofit organization (for insurance and maintenance purposes).

Side Lot

A side lot allows a property owner to have a larger yard where kids can play, a garden can be planted and/or they can get a bit more space between them and their neighbor.

Many times, a vacant lot lies between two homes and neighbors agree to split the lot so they both get some additional space. If you and your neighbor would like to split a vacant lot, you can replat the land (this is a process that divides the lot between the two properties) by completing the following steps:

- Come to an agreement with your neighbor to split the property (consider how much land you will each get, the cost of splitting, etc.).
- Hire a company to provide surveying services. The company will complete required legal documentation that will denote the new boundaries of your and your neighbors' property.
- Both you and your neighbor file the legal paperwork with the County Recorder's office.

Once this is completed, instead of there being 3 parcels (yours, the vacant lot and your neighbors) there will be 2 larger parcels (yours and your neighbors).

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HELPFUL CONTACT INFORMATION

City of South Bend Departments:

City Information:

- 311 (in city) or (574)233-0311 (outside city)

Department of Code Enforcement:

- (574)235-9486
- 227 W. Jefferson Blvd., 13th floor County–City Building

Building Department:

- (574)235-9554
- 125 S. Lafayette Blvd., Suite 100

St. Joseph County Departments:

County Treasurer:

- (574)235-9531
- 227 W. Jefferson Blvd., 2nd floor County-City Building

County Auditor:

- (574)235-9668
- 227 W. Jefferson Blvd., 2nd floor County-City Building

Other:

Unity Gardens:

- (574)315-4361
- www.theunitygardens.org

SRI Inc.:

- www.sri-taxsale.com

CITY OF SOUTH BEND, IN

1400 COUNTY-CITY BUILDING

PHONE: 574-235-9371

FAX: 574-235-9021

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