

VACANT PROPERTY INITIATIVE RESIDENT LEGAL ASSISTANCE PROGRAM CITY OF SOUTH BEND

Program Overview

In collaboration with the Notre Dame Clinical Law Center, the City of South Bend is offering the Resident Legal Assistance Program for residents of the City of South Bend who are interested in acquiring a vacant lot through the St. Joseph County Commissioners' Certificate Sale process. Qualifying applicants will be referred to the Notre Dame Clinical Law Center for legal assistance and will have all costs associated with filing paperwork to obtain ownership of the approved property paid for by the City of South Bend.

Purpose of the Program

The intent of the Resident Legal Assistance Program is to work to return vacant lots to productive use. The program will help the applicant with the process of acquiring up to two approved properties through the St. Joseph County Commissioners' Certificate Sale. The city recognizes acquiring a property through this process can be long, complicated, and costly.

Program Terms

The City of South Bend will assume the costs associated with the required legal process for acquiring a property through the St. Joseph County Commissioners' Certificate Sale (valued at over \$1,000), including:

- Title Work
- Required Tax Sale Notices
- Filing of Quiet Title
- Recording Deed

The applicant can submit a request to the City for payment of title insurance in a case where the applicant is acquiring a property adjacent to their current property and plans to consolidate both properties immediately following obtaining ownership. Requests will be considered on a case-by-case basis.

The Applicant is responsible to pay the following costs:

- Winning bid amount;
- Any fees required to register on SRI Inc.'s Zeus Auction website (required to bid); and
- All future property taxes (taxes will accrue during the redemption period).

The Applicant will commit to the following program requirements:

- Attend an informational session prior to the Commissioners' Certificate Sale;
- Registering on the SRI Inc.'s Zeus Auction website must be done prior to the sale beginning;
- Bid on the approved property during the auction;
- Submit the tax certificate to Notre Dame Clinical Law Center within 7 days of the sale ending;
- Be responsive when contacted by the Notre Dame Clinical Law Center and attend all scheduled appointments; and
- Maintain the property:
 1. During the redemption period, the Applicant must maintain the property under Indiana's Good Samaritan Law (Indiana Code Section 34-30-26-5).
 2. If Applicant obtains ownership of the property they are responsible for all on-going property maintenance and payment of annual property taxes (including taxes that will accrue during the legal process to take ownership).

Eligibility

In order for an APPLICANT to be eligible for the Resident Legal Assistance Program, the following requirements must be met:

- Priority will be given to Applicants that have NOT received assistance through the Resident Legal Assistance Program in the past.
- Applicants that have received assistance through the Resident Legal Assistance Program in the past are not guaranteed assistance. Applicants may not receive assistance based on several factors including, but not limited to: available funding, Law Center capacity, and status of property(s) previously acquired through the program.
- Applicant must be at least 18 years of age.
- Applicant must be a resident of the City of South Bend.
- Applicant must not present attorney-client conflict to the Notre Dame Clinical Law Center.
- Applicant must not owe delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior Tax Sale or Commissioners' Certificate Sale.
- Applicant must not own any property with an outstanding code enforcement violation.
- Applicant must not have collections or judgments, of any type, that total \$2,000.00 or more.
- Applicant must not have a negative history associated with repairs, violations, or complaints on file with the City of South Bend's Department of Code Enforcement.
- Applicant must not owe amounts from a final adjudication in favor of a political subdivision in this county, have any civil penalties imposed for the violation of a building code or ordinance of this county, or have any civil penalties imposed by a health department in this county.
- Applicant must not have any past or present ownership or financial interest in any corporation, limited liability company, or unincorporated association that has (a) managed, owned, or had a financial interest in any property on the City's Vacant & Abandoned List or (b) a negative history associated with repairs, violations, or complaints on file with the Department of Code Enforcement.
- Applicant must not have any unpaid collection or judgment with the City of South Bend, or with any State or Federal agency.

In order for a PROPERTY to be eligible for the Resident Legal Assistance Program, the following requirements must be met:

- Property must be available at the St. Joseph County Commissioners' Certificate Sale.
- Property must be located within the City of South Bend.
- Property must be a vacant lot.
- Property should be located immediately adjacent to a property currently owned by the Applicant.
If it is not located adjacent to a property currently owned by the Applicant additional information about future plans for the property must be provided in order to determine eligibility.
- Property must be used for a qualifying use, such as a side yard of applicant's primary residence or a neighborhood / public use like a community garden, pocket park.¹
Purchasing a property for future development / house is not a qualifying use.
The City of South Bend reserves the right to review the proposed used and determine program eligibility.
- The Applicant will only receive assistance through the Resident Legal Assistance Program for no more than two properties.

¹ Residents may have additional cost considerations if they wish to purchase a property for a neighborhood use, such as liability insurance.

Program Process

1. Review the Resident Legal Assistance Program Guidelines.
2. Submit a completed Resident Legal Assistance Program Application Form. Applications must be submitted by Friday, February 8th at 4:30pm. A completed application includes:
 - a. A completed, and signed, application form. All individuals who will be listed on the recorded deed must sign the application. The listed applicant(s) will be the only name(s) to be listed on the deed at the time of issuance. Applicant may be required to provide proof of adjacent property ownership.
 - b. Description of intended use for the property. The applicant may wish to include site plans in addition to a written description.
3. The City of South Bend will review the application for completeness, accuracy, and eligibility. Applications will be determined eligible or denied. If it is determined the applicant provided false information the application will immediately be denied. Due to limited funding, completed applications will be reviewed and awarded on a first-come, first-served basis until all funding has been allocated or the application deadline of Friday, February 8th at 4:30pm, whichever occurs first.
4. Eligible applications will be forwarded to the Notre Dame Clinical Law Center. The Law Center will review applications to ensure there is no conflict of interest. If a conflict is found, they will work to find an attorney outside the Law Center to assist with the process, however there is no guarantee one will be found.
5. The applicant will be contacted during the week of February 18th to arrange a time to attend an informational session to review the process and requirements for acquiring property through the St. Joseph County Commissioners' Certificate Sale. This meeting must occur by March 1st. At this time, the applicant will sign a retainer agreement with the Notre Dame Clinical Law Center, as well as a compliance agreement with the City of South Bend. Failure to attend by March 1st will result in the removal of the applicant from the program.
6. The Notre Dame Clinical Law Center may contact the applicant to arrange mutually agreeable appointments prior to the sale and during the redemption period. Failure to be responsive, attend all appointments or provide documentation within the specified timeframe may result in the removal of the applicant from the program.
7. The Notre Dame Clinical Law Center will review the bid process for the St. Joseph County Commissioners' Certificate Sale with the applicant. If the applicant is the winning bidder, they must pay the bid amount to St. Joseph County within the designated timeframe. Failure to pay the bid amount will result in loss of the lien through the sale process and removal of the applicant from the program.
8. If the applicant is the winning bidder, the Notre Dame Clinical Law Center will assist in filing and obtaining all necessary paperwork to complete the acquisition process at no additional cost to the applicant. If the applicant is terminated from the program by the City of South Bend, the participant shall be responsible for the cost(s) associated with future transactions. (See Additional Information.)
9. Prior to obtaining ownership, the applicant will be responsible for property maintenance pursuant to Indiana's Good Samaritan Law (Indiana Code 34-30-26-5). If the applicant fails to properly maintain the property, it may result in the removal of the applicant from the program.

Additional Information

- Properties are only eligible for the St. Joseph County Commissioners' Certificate Sale when the property taxes and/or special assessments from the prior year are delinquent.
- The minimum bid for a property that will be part of the Commissioners' Certificate Sale can be significantly lower than the back taxes & fees owed, sometimes as low as \$25.00. Minimum bids will be advertised prior to the sale and is the lowest amount that can be accepted by law.
- The City of South Bend will not be responsible for paying the cost of the actual bid for the desired property or costs associated with registering to bid on a property. The cost of the bid and registering on the SRI Tax System will be the sole responsibility of the applicant.
- The Notre Dame Clinical Law Center will advance the costs associated with the required legal process for acquiring a property through the St. Joseph County Commissioners' Certificate Sale (valued at over \$1,000). The City of South Bend will reimburse the Notre Dame Law Center for these costs. If the applicant is terminated from the program by the City of South Bend, the participant shall be responsible for the cost(s) associated with future transactions.
- The City of South Bend and the Notre Dame Clinical Law Center cannot guarantee that an applicant will successfully acquire the property of their choice. Several factors could prevent an applicant from acquiring the property including, but not limited to:
 - The applicant may not submit the highest bid during the St. Joseph County Commissioners' Certificate Sale and therefore be unable to buy the lien on the desired property.
 - The original property owner may redeem the property within the redemption period. If this occurs, the winning bidder will receive the amount of their winning bid plus an additional 10% and any additional costs associated with the purchase of the lien.
- If multiple applicants wish to acquire the same property, the City of South Bend and the Notre Dame Clinical Law Center have the right to disclose this interest to each of those applicants.
- If the applicant is the winning bidder (makes them the lien buyer), they do not immediately take ownership of the property. They must complete a legal process in order to be issued a tax deed. The Commissioners' Certificate Sale requires a one hundred-twenty (120) day redemption period plus time for issuance of a court order prior to the lien buyer receiving a tax deed. The applicant will not own the property until a tax deed is issued.
- Until a winning bidder is issued a tax deed for the property pursuant to a court order, he or she does not have the right to take possession of the property. However, Indiana's "Good Samaritan Law" (Indiana Code Section 34-30-26-5), provides limited exception to the trespassing law. The Good Samaritan Law allows a non-owner to remove trash and complete simple yard upkeep, including mowing 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 circumstance.