

TOWN OF WINDHAM
Policy on Disposition of Tax-Acquired Property

1. Purpose and Intent.

- a. The Town Council believes it to be in the public interest to allow the previous assessed owners of property to have reasonable opportunity to satisfy their obligation to contribute to the public charges.
- b. The Town Council recognizes that it has the fiduciary responsibility to consider the value to the Town of any property it has acquired through automatic foreclosure, prior to disposition.
- c. Nothing in this policy shall be interpreted to give additional substantive or procedural rights to owners of any properties the Town has acquired through automatic foreclosure. Any release of the Town's interest pursuant to this policy is at the sole discretion of the Town Council.

2. Prior Acts.

All conveyances of tax-acquired property prior to the effective date of this policy are hereby ratified and affirmed.

3. Procedure.

- A. Following the adoption of this policy and automatic foreclosure in any subsequent year the Town Manager or his designees shall, for a period of not more than thirty (30) days, conduct an evaluation of the properties acquired by automatic foreclosure. The purpose of this evaluation is to complete research and make findings, a copy of which shall be forwarded to the Town Council, with regard to each property including but not limited to:
 - 1. making contact with the current owner or occupant to determine extenuating circumstances related to the owed taxes and property's status. With the exception of properties that repeatedly have been subject to automatic foreclosure (twice within a three-year period), a good faith attempt will be made to contact property owners during the period of evaluation,
 - 2. determining the total amount of all taxes, interest, and fees owed to the Town of Windham,
 - 3. historical activity on the property of a public health or safety nature, or which constitute a threat to public health or safety, and
 - 4. any potential uses for the property that would constitute a public benefit.

During this period, no further payments of taxes, interest, and fees will be accepted, and no conveyance will be made.

- B. Following the period of evaluation performed by the Town Manager, properties subject to automatic foreclosure for the first time that have not been the subject of issues related to ownership and occupancy, public safety concerns or existing code violations shall be made available for redemption by the property owner of record. Once notified by the Town that the property is eligible for redemption, the property owner shall have thirty (30) days to pay all taxes, interest, and fees owed or execute a suitable payment arrangement.
- C. Redemption may be in whole, including all back taxes, interest, and fees owed, or through a suitable payment arrangement that addresses all taxes, interest, and fees owed within a three year time frame or such lesser time that is deemed suitable by the Town Manager. All payment plans must include provisions that address back taxes, interest, and fees, and current accruing taxes with the stipulation that the property owner must be current on all outstanding and accruing taxes within a three year time frame, that the title to the property belongs to the Town and shall remain with the Town until the owner completes payment under and in strict compliance with the plan, that the owner will strictly comply with the plan, and that failure to comply will result in the property being retained by the Town or sold pursuant to this policy unless an exception is granted by the Town Council.
- D. Not more than ninety (90) days following the date of automatic foreclosure, properties that have not been redeemed in full, or for which the property owner has not entered into a suitable payment arrangement, or which have appeared have been subject to automatic foreclosure two or more times within the last three years, or are subject to public safety concerns shall be referred by the Town Manager to the Town Council. In cases where a payment plan has been established and the property owner has not made payment in accordance with the agreement, the subject property shall be referred to the Town Council for discussion and action. All properties referred to the Town Council for discussion and action shall include written recommendations from the Town Manager for their redemption, sale, or retention by the Town of Windham. All properties retained by the Town of Windham must have a clearly defined use and purpose and include an analysis that demonstrates public benefit.
- E. Within thirty (30) days, or as soon as practicable, following the receipt of the Town Manager's written recommendations for redemption, sale, or retention the Town Council shall schedule a date to discuss and take action on the properties. The Town Council may permit the redemption of properties provided that the property owner agrees to pay all outstanding taxes and fees within a time frame of not more than three years to include currently accruing property taxes and fees. Properties that are to be retained to derive a public benefit must accompany a mechanism establishing ownership to the Town of Windham and, after the owner-

ship is legally established, an abatement of all owed taxes and fees. All other properties shall be offered to the public for sale of the Town of Windham's interest.

- F. Notice of the sale of tax-acquired property shall be provided to the previous assessed owner, by certified mail return receipt requested and/or served in hand, not less than thirty (30) days prior to the sale or, in cases where the previous assessed owner can not be contacted by certified mail, notice shall be published in a local newspaper not less than fourteen (14) days prior to sale.
- G. The public sale, sale by sealed bid, or any other conveyance of real property of the Town of Windham not covered by this policy shall require the approval of the Town Council. The Town Council expressly reserves the right to accept or reject any or all bids or offers on any property.
- H. The purchaser of any tax acquired property sold by the Town shall be responsible for the process and expenses of removing any occupants or contents in accordance with applicable law.

4. Effective Date.

This policy shall become effective immediately upon its adoption.

Adopted: March 24, 1998 (Order 98-51)

Amended: November 27, 2001 (Order 01-217)

Amended: September 27, 2011 (Order 11-175)