



CITY OF BEACON New York

LAST CHANCE POLICY TO REACQUIRE PROPERTY

FOR OWNER OF RECORD OF OWNER-OCCUPIED SINGLE FAMILY HOMES ACQUIRED BY THE CITY PURSUANT TO ITS IN REM FORECLOSURE PROCEEDING

Adopted: March 16, 2015

The City of Beacon has the fiduciary duty and obligation to its taxpayers to diligently prosecute In Rem tax foreclosure proceedings for the collection of unpaid real property taxes. The City Council recognizes practical difficulties encountered by residents whose properties are being foreclosed for nonpayment of real property taxes and the unique hardships created for single family homes that are occupied by the owners of such properties as opposed to parcels that are vacant, commercial or residential held for investment purposes or otherwise. The City Council recognizes single family homes occupied by the owner are occupied by families within the community who would otherwise be compelled to vacate said homes and find alternative housing. Accordingly, the City Council wishes to afford said property owners a last chance to retain their home and duly adopted this policy as follows:.

- 1) This Policy shall only apply to a single family home that is occupied by the owner of Record. Upon receipt of a Decision from the Court awarding the City title to a single family home occupied by the record owner (as shown on the title search commissioned by the City at the time of the In Rem foreclosure proceeding), the City Attorney shall forward such decision to the City Administrator who shall cause a letter to be sent via regular and certified mail to the record owner at his/her last known address advising of the City's Last Chance Policy. For all other properties that the City



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Administrator determines are not subject to this Policy, the City Attorney shall cause the deed conveying title to the City to be promptly recorded.

- 2) The City Administrator shall have the sole discretion to determine whether a property qualifies as an owner occupied single family house.
- 3) The letter will advise the former land owner that the City permits the former land owner who is occupying his/her single family home an exclusive opportunity to reacquire his/her property by payment of all owed taxes, fees, accrued interest and costs incurred by the City, to be received in hand by the City at City Hall by no later than thirty (30) days after the date of the letter.
- 4) The City Administrator shall not sign any Deed, nor shall any Deed be recorded for any owner-occupied single family property awarded to the City pursuant to the In Rem foreclosure proceeding until the day after thirty (30) days has passed since the City Administrator mailed the Last Chance letter to the property owner. After such date, the property owner will not be afforded any further opportunity to acquire the property. The City Administrator shall have no authority to extend this date.



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- 5) Any properties conveyed back to the former land owner pursuant to this Policy shall be done in such manner as to ensure that any mortgages, judgments, liens or anything of the kind affecting an interest in the property shall remain as of Record as existed the day before the Court awarded title to the City, as determined by the City Attorney in his sole discretion. It is the City's intent that a property owner who takes advantage of the Last Chance Policy does not receive a windfall and is placed in no better a position than existed before the City acquired title to the property.
- 6) The City Administrator shall have the sole discretion in interpreting this Policy.
- 7) The failure of a property owner to receive notice of this Policy or a letter from the City Administrator or the City failing to send such letter shall not create any special rights of any nature for the property owner as all property owners have been provided with a redemption date in accordance with law to which they had to timely pay their back taxes.
- 8) This Policy shall apply only to the occupied single family homes that are listed in the City's In Rem proceeding to collect 2013 unpaid property taxes, such proceeding anticipated to be commenced in March 2015, and future years. This Policy shall not be applied retroactively.