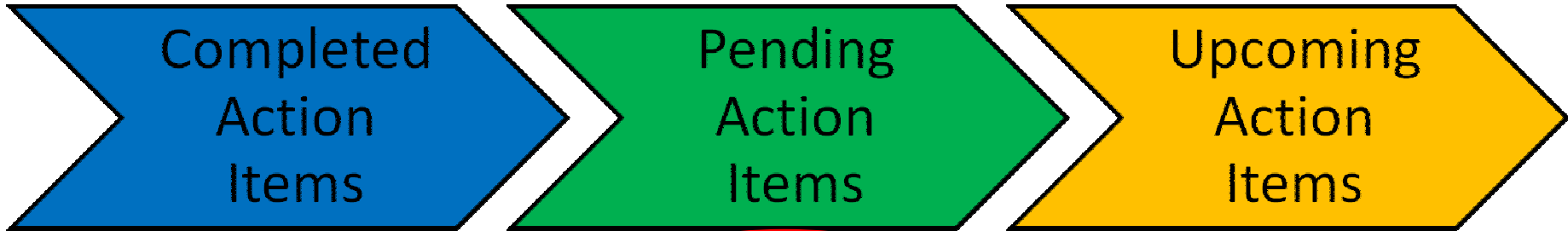




Vacant Housing Strategy Prequalification Ordinance

New Castle County Council
Community Services Committee Meeting
May 22, 2018

Vacant Housing Strategy: Legislative and Policy Initiatives



2014 Initial Vacant Premises
Registration Ordinance

2017 Revised Vacant Premises
Registration Ordinance

2017 HB 187, HB 188 General
Assembly Vacant Housing Legislation

2017/2018 Executive Orders
Monition, Prioritization of Monitions,
Acquisition & Disposition policies

Code Enforcement Fee Collection
Ordinance

Bidder Prequalification
Ordinance

Monition Fee Ordinance

Sheriff's Fee Ordinance

Consolidated
Enforcement Code
Ordinance

Prequalification Requirements



Two certifications required:

- No outstanding liens owed to governmental entities in excess of \$1,000 on NCC property.
- Do not own property that has been vacant for 18 consecutive months unless there is a valid building permit or pending land use application.

Who must make certifications: bidders, assignees

Who is exempt: nonprofit housing groups, land banks

Day of Sale

- Prequalification of bidders during registration process.
- No fee to secure a bidder card.
- Winning bidder must submit Part 2 and pay \$50 application fee.
- Applications reviewed after sale.



BID PROPERTY ADDRESS

Applicant must complete

PART 2
BID-PURCHASE PREQUALIFICATION APPLICATION
FOR NEW CASTLE COUNTY TAX SALE PROPERTY

A. **Part II. To be completed by winning bidders.** During the auction, Part I and this Part II must be submitted to the Sheriff immediately upon winning a bid. Failure to submit these forms immediately upon winning a bid may result in the property being made available to other bidders.

B. **Fee.** There is a \$50.00 prequalification application fee that will be added to the sales to price of the first property purchased at this auction. Only one application fee will be charged per auction regardless of the number of properties purchased.

C. **Information and Certifications.** Applicant must complete.

1. List all affiliated entities of the Applicant. Affiliated entity means: (1) any entity that is under common control with the Applicant; or (2) any person or entity who directly or indirectly holds any beneficial or ownership interest in the Applicant of 5% or greater. Use back of form or attach pages as needed.

2. List the address or tax parcel number of all properties located in New Castle County in which the Applicant and any affiliated entities own an interest. Use back of form or attach pages as needed.

3. I hereby certify that I am personally the Applicant or possess the actual authority to execute this document on behalf of the Applicant.

4. I understand that providing false, inaccurate or incomplete information, or making false certifications may result in criminal prosecution for perjury and disapproval of a sale for cause. If a sale is disapproved for cause, Applicant may be responsible for payment all costs incurred by the County in the motion process **plus a \$500 Sheriff's fee.** Such amounts shall be forfeited from funds paid to the Sheriff at the sale before any balance is returned to the Applicant.

BY:

Signature and Name

FOR:

Print Name of Applicant

After Sale

- Anyone seeking assignment of a winning bid must submit a prequalification application.
- Forms reviewed prior to certification of the sale by the Superior Ct.
- \$50.00 application fee.



ASSIGNMENT CERTIFICATE

Issued by:

Date:

Official Use Only

ASSIGNMENT PREQUALIFICATION APPLICATION FOR NEW CASTLE COUNTY TAX SALE PROPERTY

A. Assignment Applicant. Any person or entity ("**Applicant**") seeking the assignment of the right, title and interest in a property sold at **Sheriff's Sale pursuant to New Castle County's motion authority** must complete this form. This form must be submitted to the Office of Finance no less than 10 business days prior to the date the sale is due to be confirmed by the Superior Court.

B. Fee. There is a \$50.00 application fee due upon submission of each assignment application. An additional \$50.00 fee may be charged if a late form is accepted by the Office of Finance.

C. Information and Certifications. Applicant must complete.

1. Bid property address:
2. List all affiliated entities of the Applicant. Affiliated entity means: (1) any entity that is under common control with the Applicant; or (2) any person or entity who directly or indirectly holds any beneficial or ownership interest in the Applicant of 5% or greater. Use back of form or attach pages as needed.
3. List the address or tax parcel number of all properties located in New Castle County in which the Applicant and any affiliated entities own an interest. Use back of form or attach pages as needed.
4. I hereby certify, that either directly or through an affiliated entity*, the Applicant does not own any interest in any real property in New Castle County that:
 - a. is subject to any state or political subdivision lien identified in 25 Del. C. § 2901(a) in excess of \$1,000; or
 - b. has been vacant for at least 18 consecutive months and such property is not subject to a valid building permit or pending land use application.
5. I hereby certify that I am personally the Applicant or possess the actual authority to execute this document on behalf of the Applicant.
5. I understand that providing false, inaccurate or incomplete information or certifications may result in the denial or revocation of an assignment certificate. Making false certifications may result in criminal prosecution for perjury.

BY:

Signature and Name

FOR:

Applicant

Anytime

- State law requires the exemption for land banks, community development corporations, nonprofit housing organizations.
- Must certify status and pay \$50.00 application unless active in NCC.



STATUS CERTIFICATE

Issued by:

Date:

Official Use Only

STATUS CERTIFICATE APPLICATION FOR NEW CASTLE COUNTY TAX SALE PROPERTY

A. Status Applicant. A status certificate shall be sufficient for all prequalification purposes. A status organization (**"Applicant"**) shall provide this status certificate prior to bidding on a property at a public sale or seeking assignment of a property from a prequalified purchaser.

B. Fee. There is a \$50.00 application fee due upon submission of a status certificate application unless Applicant is eligible for a fee waiver.

C. Change in Status. A status certificate shall remain valid unless there is a change in the organization's status that is inconsistent with the certifications provided on this application.

D. Information and Certifications. Applicant must complete. Check applicable boxes.

1. I hereby certify the Applicant is:

- An organization that has been building, rehabilitating, and providing affordable housing units within the state for at least five years and has tax-exempt status pursuant to Internal Revenue Code section 501(c)(3) (must attach proof of tax-exempt status).
- A community development corporation as defined in 42 U.S.C. § 9802.
- A land bank organized pursuant to 31 Del. C. § 4703.

2. Fee waivers only. I certify that the Applicant has engaged in building, rehabilitating, and providing affordable housing units within New Castle County within the preceding five (5) years or is a land bank organized pursuant to 31 Del. C. § 4703.

3. **Change in Status.** The Applicant hereby agrees to notify the General Manager of the Department of Community Services if the organization's status changes such that it is inconsistent with the certifications provided on the application.

4. I hereby certify that I am personally the Applicant or possess the actual authority to execute this document on behalf of the Applicant.

5. I understand that providing false, inaccurate or incomplete information, or to making false certifications may result in criminal prosecution for perjury and disapproval of a sale for cause. If a sale is disapproved for cause, Applicant may be responsible for payment all costs incurred by the County in the motion process plus a \$500 Sheriff's fee. Such amounts shall be forfeited from funds paid to the Sheriff at the sale before any balance is returned to the Applicant.

BY:

Signature and Name

FOR:

Print Name of Applicant

Prequalification Goal: Increase the likelihood that vacant properties will return to productive use.



Prevents the purchase or assignment of properties by a property owner who:

- Has a history of failing to maintain property.
- Is delinquent on property taxes.
- Holds other vacant properties.

Allows same day auction re-sale.

Allows recoupment of expenses if the County puts a property back through the auction process because an Applicant provides false information.



Thank you for your continued
support!

Questions?