

Order 191-15/16

Passage: 8-0 (Strimling absent) on 4/4/2016

Effective 5/4/2016

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 2 ADMINISTRATION**

Re: Revisions to the Authority to Sell Tax-acquired Property

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN
CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 2-313 is hereby amended to read as follows:*

Sec. 2-313. Sale or disposal of real or personal property.

(a) *Redemption of tax-acquired real property.*

1. Property acquired by the City by reason of delinquent property taxes or sewer user charges may be reconveyed to the person or persons from whom the property was acquired after the expiration of the statutory period for redemption, upon the following conditions:

The payment of the full amount of all taxes, sewer user charges, and other charges and assessments of any kind owed on all property located within the city, owned by the person seeking to redeem the property.

2. The City Manager may attach such further conditions as he or she may determine to be reasonable and appropriate for any reconveyance.
3. Nothing herein shall be construed to create any entitlement to reconveyance.

(b) *Real property.*

1. Subject to the provisions of section 2-313(a) above for redemption by the prior owner, the Finance Director shall promulgate rules and regulations for the review and disposition of all real property. Such properties may be offered for sale pursuant to said rules and regulations. All sales shall be subject to the approval of the City Council, except that the City Manager, upon review by the Finance Director, is authorized to sell as follows:

a. Vacant lots that do not meet minimum lot size for construction and are less than five thousand dollars

~~(\$5,000.00) in value as determined by the assessor; do not require City Council approval and may be finally sold by the Finance Director, subject to the approval of the City Manager, except to the extent provided otherwise by rule.~~

b. Tax-acquired properties that are residential land or residential buildings containing no more than three units and having an assessed value of no more than four hundred thousand dollars (\$400,000.00), provided that such properties shall not be sold for less than the sum of:

i. All taxes and interest owed on the property and the amount of taxes and interest that would have been assessed had the property not been acquired by the City;

ii. The city's costs of the lien and foreclosure process;

iii. The city's costs of maintaining and disposing of the property, including, without limitation, attorneys' fees and marketing costs incurred in connection with the sale of the property;

iv. Unpaid sewer, water, storm water, or other charges and fees imposed by or incurred by the City; and

v. Any other costs incurred by the City related to the property; and

c. Such sales must be conducted in accordance with the City of Portland's Rules for the Disposition of City-Owned and Tax-Acquired Property and any other rules promulgated pursuant this section.

2. All rules and regulations promulgated hereunder shall be effective upon approval by the City Manager, and a copy of all such rules and regulations shall be kept on file in the office of the Finance Director.

3. Nothing herein shall limit or modify the discretion of the City Manager or the City Council to reject any sale or offer to purchase by any person should they deem it in the best interest of the City to do so.

(c) *Acceptance of sewer and drainage easements.* The Finance Director, upon approval by the City Manager, shall have the authority to accept sewer and drainage easements and shall cause such easements to be recorded in the Cumberland County Registry of Deeds.

(d) *Personal property.* The Finance Director shall conduct all disposal of personal property determined by the City Manager to be

surplus, such disposal to be either:

1. By competitive bid;
2. By competitive negotiation including, but not limited to, trading property, the value of any single piece of which does not exceed five thousand dollars (\$5,000.00);
3. By public auction; or
4. By discarding it as he or she determines to be in the best interest of the city, if he or she determines it to be of no economic value.