



## **A Guide to the City of Buffalo In Rem Tax Foreclosure**

The City of Buffalo In Rem Tax Foreclosure Auction is typically held each year in the Fall. The city includes properties that have delinquent tax, sewer rent, user fee, or water bills in the auction. Homeowners who are at risk of foreclosure will be receiving notices from the city throughout the year, indicating that their property may be auctioned.

There are ways to avoid foreclosure, however. Homeowners can appear at the Erie County Courthouse prior to the auction to attempt to negotiate payment plans with City of Buffalo attorneys. The Center for Elder Law and Justice (CELJ) has attorneys on-hand to negotiate payment arrangements on behalf of owners. You can contact CELJ in advance at 716-261-3306 or 716-853-3087 for assistance.

The following are some important tips to remember when preparing for foreclosure negotiations with the City of Buffalo. Following these suggestions can help to reach a payment arrangement and can keep you in your home!

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**1. Save, Save, Save!** In order to reach a payment arrangement, homeowners have to offer a down payment that is due at the time of negotiation. Monthly payments will then become due until the balance is paid in full. The City of Buffalo currently offers two-year payment arrangements. The amount of your down payment and monthly payment should be proportionate to the amount that you are owing. Higher owing balances will require higher payments from the owner. It is important to begin saving immediately if you are at risk of foreclosure.

**2. Bring Necessary Documentation.** The City of Buffalo prefers to work directly with the homeowner. Also, any attorney that you may retain to negotiate on your behalf will want to speak directly with the owner as well. If you are Power of Attorney (POA) for a homeowner, be sure to bring the POA document to verify that you have the authority to negotiate on the owner's behalf. If the owner is deceased and you wish to negotiate a payment plan, you should bring documentation (ex: Death Certificate, Will) to show you have some type of interest in the property.

**3. Tell Your Story.** It is important to paint a narrative as to why you have fallen behind on your financial obligations and are in foreclosure. Whether it be the loss of a loved one, loss of a job, disability, or living on a very fixed income, it is beneficial to prove that you have a genuine hardship as well as the ability to meet your payment plan obligations.

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The Center for Elder Law and Justice (CELJ) represents homeowners in negotiating payment plans with the City of Buffalo Law Department. These payment plans are required to have your property removed from the foreclosure auction list.

Homeowners may also appear in Court on dates designated by the City to negotiate payment plans on their own behalf. Keep in mind that each case is different and the number of times you have been in foreclosure as well as the amount of taxes, sewer rent, user fees, and water bills owed will determine whether you are eligible for a payment plan.

The tips listed on the page above show the need to present a strong case to the City of Buffalo when attempting to negotiate a payment plan. CELJ staff works with clients on completing the information on the page below to best present a client's case. If you choose to negotiate on your own behalf with the City Law Department, the following questionnaire and budget may help you better present your case.

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**CITY OF BUFFALO IN REM FORECLOSURE 2017**

**CLIENT REQUIRED INFORMATION: PROPERTY TAXES / FEES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Number: \_\_\_\_\_

In-Rem# \_\_\_\_\_ Date of Birth \_\_\_\_\_ Last 4 of SS#: \_\_\_\_\_

The years and amount of back taxes and fees owed are never waived or forgiven. Additionally, a Foreclosure Fee is added to the amount owed and **must be paid. NO TAXES OR FEES ARE EVER FORGIVEN. THE ONLY NEGOTIATIONS ARE REGARDING HOW MUCH THE DOWN-PAYMENT AND MONTHLY PAYMENTS WILL BE.**

ERIE CO. TAX: YEAR/\$Amount Owing: \_\_\_\_\_

CITY OF BUFFALO:

CITY TAX: \_\_\_\_\_ SEWER RENT: \_\_\_\_\_

USER FEE: \_\_\_\_\_ DIV. OF WATER: \_\_\_\_\_

Do you own this property? \_\_\_\_\_ How Long have you owned the property? \_\_\_\_\_

Are you currently living at the property? \_\_\_\_\_ How long have you lived there? \_\_\_\_\_

Is there a 1<sup>st</sup> or 2<sup>nd</sup> mortgage on the property? \_\_\_\_\_

Has this property or have you ever been involved in a City of Buffalo or Erie

County foreclosed action in the past? If yes, when? \_\_\_\_\_

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What is the total household income; please indicate the sources of the income:

\_\_\_\_\_

\_\_\_\_\_

**HARDSHIP STATEMENT:**

What is the reason you fell behind? i.e.(Loss of Employment, Divorce, Medical Expenses, illness, damage to property)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. For binding settlement purposes in this matter, what is a realistic range of an affordable down payment? This **MUST** be correct. Make sure this payment is realistic and is an amount that you can pay up front to settle this matter.**

\$ \_\_\_\_\_

**8. "For binding settlement purposes in this matter, what is a realistic range of an affordable monthly payment? This **MUST** be correct. Make sure this payment realistically reflects an amount you can pay monthly**

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towards the arrears only. You must also pay the current taxes and fees when they become due.

\$ \_\_\_\_\_

**Negotiations with the City of Buffalo typically begin in October. When paying your down payment you must use either cash, certified check, or money order. NO PERSONAL CHECKS WILL BE ACCEPTED.**

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**FINANCIAL STATEMENT FOR:**

<b><u>INCOME:</u></b>	<b>\$ AMOUNT</b>
Social Security Retirement	-
SSI	
Employment	
Pension	
Rental Income	
Stocks/Bonds/Annuity	
Other: Specify:	
<b><u>TOTAL</u></b>	

<b><u>EXPENSES:</u></b>	<b>\$ AMOUNT</b>
Home Mortgage	
Home Insurance	
Home Maintenance	
Gas	
Electric	
Water	
Garbage	
Phone	
Cell Phone	
Cable	
Internet	
Auto Payments	
Auto Insurance	
Auto Gas/Maintenance	

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<b>Other Transportation</b>	
<b>Groceries</b>	
<b>Clothing</b>	
<b>Credit Card</b>	
<b>Personal Loan</b>	
<b>Medical</b>	
<b>Dental</b>	
<b>Prescription</b>	
<b>Other, Specify</b>	
<b>Other, Specify</b>	
<b>TOTAL</b>	

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