



What happens if I don't pay my property taxes? Property Tax Forfeiture

Be careful!

If you get behind on your property taxes, you could lose your home and any equity you have! This is called property tax forfeiture. Pay attention to all notices from your city or town, your county, and from the State of Minnesota. There are strict timelines involved!

When a person doesn't pay their property taxes, their property goes to the state. But the process of losing their home (forfeiture) is run by the county where the property is located. Your county's property tax department is your main contact and source of information.



“Late” vs. “Delinquent” Property Taxes

If you don't pay your property taxes by the May and October due dates (usually May 15 and October 15), those payments are considered “late” and monthly late fees start getting added on.

If you don't pay your property taxes at all for the year, the State of Minnesota considers the taxes “delinquent” on the first business day of the following year.

For example:

- The first half of your 2018 property taxes are due May 15, 2018. You pay them on time.
- The second half is due October 15, 2018. You don't pay. Now the second half of 2018 property taxes are “late.” A late penalty is added to your tax bill on October 16 and the penalty grows each month that you don't pay.
- You have until December 31, 2018 to pay the second half of your property taxes, with all late fees.
- On the first business day of 2019, if you have still not paid everything you owe, your property taxes are “delinquent.”

I am delinquent. What happens next?

Once you are “delinquent” on your property taxes, the forfeiture process starts. You have time to fix things, but if you don’t start, you end up with your property in forfeiture by the State. If the forfeiture process is completed, the property can be sold at auction.

First, you get a **Notice of Delinquent Taxes** and a **Delinquent Tax Letter** on or around March 20 in the year the taxes are considered “delinquent.” If there are any other interested parties, like a person or company with a lien on the property, they get it too. The Notice and Letter are usually on each side of a single page. The Notice tells you the basic timeline of the forfeiture process with important deadlines. The Letter tells you to read the Notice carefully, and also outlines how much is due, calculates interest, and includes payment instructions.

If you don’t agree with the tax calculations or assessments in the Notice, you have to file any **objections** in writing by the deadline in the Notice. The Notice tells you how to file.

If you don’t have objections, or if a court has ruled against your objection(s), the court enters a **tax judgment**. This means a lien is put on the property for the amount of delinquent taxes.

After a judgment is entered, the property is “**bid in for the state**” on the second Monday in May. This means that the title remains in your name, but the State gets a future interest. This is the start of the Redemption period. Who ends up with the property depends on what happens during the Redemption period.



Redemption Period

The **Redemption Period** lasts 3 years after the bid in for the state. During this period, you or any party with a legal interest in the property, has the right of redemption, or can “**redeem**.” To redeem, you must pay the delinquent taxes, with any fees and interest.

If you make the payment, the judgment against the property is cancelled and the property is no longer delinquent. The state’s future interest in the property is cancelled and the tax lien is cleared.

If an interested party, like a mortgage holder, pays the delinquent taxes and redeems the property, the total amount paid is added to the paying party’s existing lien, and interest accrues according to the existing lien’s terms.

During the Redemption Period, you can enter into a “**Confession of Judgment**.” A Confession of Judgment acts like a payment plan if you can’t pay the whole delinquent amount at once. Usually, residential properties can get a 10-year payment plan, but you should check with your county.

How does a Confession of Judgment work?

- You make an agreement to pay your delinquent taxes and fees and interest in equal, yearly installments. You usually pay over 10 years. You have to also pay your current ongoing property taxes.
- You have to make your first payment right away to start the Confession of Judgment. It's considered a down payment.

For a 10-year plan, the down payment is 10% of the delinquent taxes, plus any set up fees and costs.

- Your next payment is “due” on the anniversary of the date you entered the Confession of Judgment. If you don't pay on that date, the County can charge you late fees. **You have to make the payment before December 31 of that year.** Each payment after has to be made by December 31 of each year at the latest.



- If you miss a payment or let the current year's taxes become delinquent, the Confession of Judgment is cancelled, and the tax judgment is put back on.
- If a Confession of Judgment is canceled for non-payment, you can enter into a second one, BUT you can only do 2 Confessions of Judgment.

What if I don't do a Confession of Judgment payment plan?

If you can't redeem or successfully enter a Confession of Judgment payment plan, the Redemption Period ends 3 years after the bid in by the state. You, and other interested parties get one last notice, by certified mail: the “**Notice of Expiration of Redemption.**” Most homeowners get this notice sometime in January of the year the redemption period ends.

For example:

- You don't pay your 2015 property taxes.
- The taxes became “delinquent,” a judgment was entered, and the property was “bid in by the state” in early 2016. This is when the 3-year redemption period starts.
- If you don't redeem or have an active Confession of Judgment in place, you get the Notice of Expiration of Redemption in January of 2019. This Notice warns you that the 3-year Redemption period ends in the spring of 2019.

You can also sell your house before the Redemption Period expires. You have to pay the County your delinquent property taxes from the proceeds of the sale, but you can save any equity left over. Selling the house to save the equity is a much better option than letting it go to the State.

Forfeiture

The Notice of Expiration of Redemption also tells you that the property will forfeit to the state as early as 60 days after the Notice is mailed, or the second Monday in May of that year, whichever is later.

The exact forfeiture date often depends on each county's schedules. You should contact your county's property tax department for more information.

Once the forfeiture happens, the title of the property transfers to the State, but the local county decides what ultimately happens to the property.

There are 2 main possibilities:

- (1) auction the property for sale, or
- (2) put the property to a public use or public purpose

Is there anything I can do to keep the house after a forfeiture?

Once a property is forfeited, you have 2 ways to regain title and save any equity you had in the property:

- (1) buy the property at the public auction, or
- (2) apply to repurchase the property with the county.

Buying at the auction: anyone can bid on and purchase a tax-forfeited property at a public auction, except certain county officials and employees. You can bid on the property, but you **can't** buy it for less than you owed in delinquent taxes, penalties, interest and fees.



Repurchase Application: Any time before the county sells or disposes of the property, you can make a written application for repurchase to your county board. **Repurchasing is not a right.** It is up to the county board. In general, you have to show that a hardship was the reason you couldn't pay your property taxes, or that repurchase is in the public's interest.

A repurchase is usually a 10-year payment plan like the 10-year Confession of Judgment plan (see above). But check with your county because the length of the plan depends on how your property is classified. For example, residential vs. commercial or homestead vs. nonhomestead.

Note: After a property is auctioned, you can't apply to repurchase.

What if I stay in the house?

If you stay in the house after forfeiture, the local county can start eviction proceedings. This is usually a last resort. Counties would rather work with the you to find a way for you to leave without eviction. Finding rental housing with an eviction is very hard. It is best to work with your county to avoid this.

Where Can I Get Help?

For more information, call or visit your local county's property tax department. In general, the county does not *want* to take your property, but it must follow state law. The county should provide you with as much information as possible.

Larger counties may have resources and personnel to help homeowners and former homeowners navigate the Confession of Judgment or repurchase processes.

You can also call your legal aid office.

The Minnesota Department of Revenue has more information about property tax forfeitures at http://www.revenue.state.mn.us/local_gov/prop_tax_admin/Pages/redbook.aspx, including the "Delinquent Real Property Tax and Tax Forfeiture Manual," or "Red Book." This is a comprehensive resource that describes the forfeiture process in detail.



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