

COUNTY OF ERIELOCAL LAW NO. 13 - 1978

A LOCAL LAW providing, in accord with Section 22 of the General Municipal Law, for the release and return to owners of real property within Erie County of certain fire insurance proceeds against which the County of Erie would otherwise be entitled to claim.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Whenever the County of Erie is entitled under Section 22 of the General Municipal Law to claim against the proceeds of a policy of fire insurance insuring the interest of an owner of real property, the Commissioner of Finance shall release and return to the insured any amount to which the County of Erie would otherwise be entitled to claim provided that the insured enters into a written agreement with the Commissioner of Finance to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of the County against the proceeds provided for in Section 22 of the General Municipal Law arose. Payment to the insured shall be made in accordance with the terms and conditions of the agreement. Such agreement shall be entered into by the insured with the Commissioner of Finance within ninety days after the insured is given notice by the Commissioner of Finance that the insurer has made payment of the insurance proceeds to the County under Section 33-a of the Insurance Law. The Commissioner of Finance shall give the aforementioned notice to the insured by registered

or certified mail within ten days after receipt of the proceeds, and shall mail the notice to the last known address of the insured as the same appears upon the current records and tax rolls on file in the Department of Finance. However, failure of the Commissioner of Finance to give timely notice shall not invalidate an agreement entered into pursuant to this section provided that the agreement is entered into within ninety days after the insured is notified as herein provided.

Section 2. The agreement between the insured and the Commissioner of Finance referred to in Section I hereof shall include a written plan to be prepared by the insured specifying in detail (a) the work to be done in order to restore the affected premises to at least the same condition in which they were in prior to the date specified in Section I hereof, (b) the identity of any contractor who may be hired to perform all or part of such work, (c) the date by which such work shall be completed, (d) the estimated cost of such work, and (e) any other information which the Commissioner of Finance shall require. No agreement shall be entered into by the Commissioner of Finance with the insured until the plan referred to herein has been approved by the Commissioner of Public Works as to technical content.

Section 3. The agreement between the insured and the Commissioner of Finance shall require that all repair or reconstruction to be done thereunder shall be completed within one year of the date on which the agreement is entered into.

The agreement shall also provide that no portion of the insurance proceeds shall be released or returned to the insured except for use by the insured in paying for materials, supplies, and labor delivered or rendered in connection with the repair or reconstruction of the affected premises, and except upon certification by the Commissioner of Public Works that such materials, supplies, and labor have been used in accordance with the plan referred to in Section 2 hereof. Upon satisfactory completion of the repair or reconstruction of the affected premises, the unexpended balance of any insurance proceeds remaining in the possession of the Commissioner of Finance shall be returned to the insured.

Section 4. The time limits specified in Section 1 hereof in regard to the time in which the insured must enter into an agreement with the Commissioner of Finance, and Section 2 hereof in regard to the time within which the reconstruction or repair which the insured promises to undertake must be completed may be extended in any particular case by the Commissioner of Finance upon good cause shown.

Section 5. This Local Law shall take effect immediately.

Acknowledged by Secretary of State 11/20/78