

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS MILLER-WILLIAMS & LORIGO**

**RE: Status of Unclaimed Surplus Funds Resulting from Foreclosure Sales**

**WHEREAS**, under current law, a city or town can sell properties at auction but are only allowed to retain the amount of tax liens owed by the property owner; and

**WHEREAS**, the remainder of surplus monies received from such a sale are forwarded to the Erie County Comptroller and if unclaimed such monies are turned over to the State where they remain available to the rightful owner; and

**WHEREAS**, it has been reported that the Erie County Comptroller is in possession of \$11.6 million which may actually belong to foreclosed owners and any lienholders with an interest in the properties sold at auction by the City; and

**WHEREAS**, it has been reported that the Erie County Comptroller is in possession of approximately \$1.43 million related to the foreclosure sale of 76 properties from 17 municipalities located in Erie County; and

**WHEREAS**, there is proposed legislation pending at the state level which would allow the City of Buffalo to receive those surplus funds resulting from foreclosure sales if those funds have not been claimed within a five year period for use by BURA to support certain programs related to home and neighborhood improvement; and

**WHEREAS**, the proposed legislation pending at the state level does not address the status of surplus monies generated from foreclosure sales of properties outside the City of Buffalo; and

**WHEREAS**, it is important that all unclaimed surplus monies generated from foreclosure sales be retained for use to support programs related to home and neighborhood improvement In Erie County; and

**WHEREAS**, The Erie County Legislature believes it is important to make every effort to insure that surplus monies received from foreclosure sales be returned to the foreclosed property owner whenever it is legally appropriate.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the sponsors of A00474 and 500741 currently pending in the New State Legislature amend the legislation to allow the County of Erie to retain unclaimed surplus monies after five years for use by the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) to support programs related to home and neighborhood improvement in Erie County, and be it further

**RESOLVED**, that the Erie County Legislature requests that the County Executive, the Erie County Comptroller and the Director of Real Property and Tax Services appear before the Finance and Management Committee to identify the total amount of surplus monies resulting from foreclosure sales currently being held by the Comptroller as well as the methods employed by their offices to identify and return those funds to the appropriate party, and be it further

**RESOLVED**, that copies of this resolution be provided to the County Executive, the Erie County Comptroller and the Director of Real Property and Tax Services.