

Amend Intro. 10-2 (2017) as follows:

Delete the first RESOLVED clause and replace with the following:

RESOLVED, that a Home Rule request is made to the New York State Legislature as follows:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A8265 (2017) and its Senate companion S6580 (2017):

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to amend the Erie County Tax act will leave hundreds of homes in limbo for a longer period of time further eroding the value of the surrounding neighborhood.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request; and, be it further

S06580 Summary:

BILL NO 506580
 SAME AS SAME AS UNI.
 SPONSOR GALLIVAN
 COSPNSR
 MLTSPNSR

Amd §9-1.0, Chap 812 of 1942

Relates to decreasing the time a vacant property may sit in foreclosure in Erie county.

S06580 Text:

STATE OF NEW YORK

S. 6580

A. 8265

2017-2018 Regular Sessions

SENATE - ASSEMBLY

June 5, 2017

IN SENATE -- Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. KEARNS -- read once and referred to the Committee on Judiciary

AN ACT to amend the Erie county tax act, in relation to decreasing the time a vacant property may sit in foreclosure in Erie county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 9-1.0 of chapter 812 of the laws of 1942, consti-
 2 tuting the Erie county tax act, is amended to read as follows:
 3 § 9-1.0 When foreclosure may be taken. (a) Whenever a tax sale certif-
 4 icate issued on any tax sale shall be outstanding, unredeemed and unpaid
 5 for a period of not less than two years nor more than twenty-five years
 6 after the issuance thereof and no conveyance has been taken thereunder,
 7 the holder of such tax sale certificate, including the county of Erie,
 8 may bring an action to recover the amount paid for such certificate with
 9 all interest, penalties, additions and expenses as in this act provided.
 10 For that purpose, such a holder may maintain an action in the supreme
 11 court or in the county court of Erie county for the sale of the lands
 12 affected by such certificate. Jurisdiction of such action is hereby
 13 expressly conferred upon such county court.
 14 (b) For real property that has been certified vacant and abandoned
 15 pursuant to section thirteen hundred nine of the real property actions
 16 and proceedings law, whenever a tax sale certificate issued on any tax
 17 sale shall be outstanding, unredeemed and unpaid for a period of not
 18 less than one year nor more than twenty-five years after the issuance
 19 thereof and no conveyance has been taken thereunder, the holder of such
 20 tax sale certificate, including the county of Erie, may bring an action
 21 to recover the amount paid for such certificate with all interest,
 22 penalties, additions and expenses as in this act provided. For that

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
 [-] is old law to be omitted.

S. 6580

2

LBD11980-01-7

A. 8265

1 purpose, such a holder may maintain an action in the supreme court or in
 2 the county court of Erie county for the sale of the lands affected by
 3 such certificate. Jurisdiction of such action is hereby expressly
 4 conferred upon such county court.
 5 § 2. This act shall take effect immediately.

A08265 Summary:

BILL NO A08265
 SAME AS SAME AS UNI.
 SPONSOR Kearns
 COSPNSR
 MLTSPNSR
 Amd §9-1.0, Chap 812 of 1942

Relates to decreasing the time a vacant property may sit in foreclosure in Erie county.

A08265 Text:

STATE OF NEW YORK

S. 6580

A. 8265

2017-2018 Regular Sessions

SENATE - ASSEMBLY

June 5, 2017

IN SENATE -- Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. KEARNS -- read once and referred to the Committee on Judiciary

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LBD11980-01-7

A. 8265

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 2 the county court of Erie county for the sale of the lands affected by
 3 such certificate. Jurisdiction of such action is hereby expressly
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5 § 2. This act shall take effect immediately.

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO AND BURKE**

Home Rule request decreasing the time a vacant property may sit in foreclosure

WHEREAS, nearly 1,000 homes in Western New York have become “zombie homes”, stuck in foreclosure limbo and awaiting conclusion of a process that can take years; and

WHEREAS, vacant homes hurt the value of surrounding properties, sometimes significantly lowering the sale price of an entire street; and

WHEREAS, this honorable body, upon consultation with the Western New York Law Center, finds it necessary to amend the Erie County Tax Act; and

WHEREAS, §9-1.0 of the Erie County Tax Act must be amended to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant from two years to one year.

NOW, THEREFORE, BE IT

RESOLVED, that a Home Rule request is made to the New York State Legislature as follows:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Bill No. *****

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to amend the Erie County Tax act will leave hundreds of homes in limbo for a longer period of time further eroding the value of the surrounding neighborhood.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request; and, be it further

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

Fiscal Impact: Positive for county property owners.