

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR BASKIN**

WHEREAS, this Honorable Body has expressed concern regarding the issue of owner-occupied properties facing foreclosure in Erie County; and

WHEREAS, this Legislature in a bipartisan resolution last year recognized that the problem of vacant and abandoned properties in Erie County was exacerbated by unpaid taxes;

WHEREAS, the New York State Mortgage Assistance Program, (MAP) funded by settlements between the NYS Attorney General and various banks, provides residential homeowners who are living in their homes up to forty-thousand dollars in thirty-year no-interest loans to prevent foreclosures on their residences; and

WHEREAS, the forty-thousand dollars assistance amount is likely to increase in the near future; and

WHEREAS, the MAP program will reimburse the County for unpaid taxes and interest if doing so will keep a residential, owner-occupied property out of foreclosure; and

WHEREAS, applicants for the MAP program must be pre-screened by a recognized legal services organization or housing counseling agency, and

WHEREAS, the application process takes into consideration the ability of the applicant to afford the property and future expenses, including taxes, as a condition of eligibility, and

WHEREAS, several local legal services organizations and housing counseling agencies such as the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League, are authorized to pre-screen MAP applicants for eligibility, and

WHEREAS, applicants must wait several months following pre-screening to complete the MAP process, and

WHEREAS, the Erie County tax foreclosure auction is scheduled to be held in September 2018, and

WHEREAS, it is the goal of this Legislature to keep residents in their homes whenever possible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its intention that:

- (1) Erie County will accept an affidavit from local legal services organizations and housing counseling agencies such as the Western New York Law Center,

- Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League indicating that an applicant has been pre-screened and is, to the best of the affiant's knowledge, eligible for New York State Mortgage Assistance Program assistance from any of these legal services organizations or housing counseling agencies who are authorized to pre-screen applicants for the MAP program as a prima facie indication that the applicant will be found eligible for MAP assistance for the entire amount of unpaid taxes and interest if the affidavit so indicates; and
- (2) The County will enter into a payment agreement with such resident removing the property from the County's tax foreclosure auction, with no down payment required, as long as such payment agreements indicate that if MAP assistance for any reason is not forthcoming and the homeowner defaults on the payment agreement, the property may be placed back into the next scheduled County tax foreclosure auction; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Director of Real Property Tax Services, County Attorney, and the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League.

Fiscal Impact: None for this resolution.

Advocate Statement of NYS MAP Application Status

_____, an attorney or certified housing counselor attests to the following:

1. I am the attorney or housing counselor for _____ owner of the property located at _____.
2. New York State Mortgage Assistance Program (NYS MAP) is a state-funded program that can loan up to \$40,000, which is likely to increase in the near future, for homeowners who are facing foreclosure of their primary residence. The loans are 0% interest with no payments due until maturity of the loan or sale of the property.
3. NYS MAP funding can be used to pay County tax arrears.
4. NYS MAP funding is contingent upon program eligibility, availability of funds, and meeting NYS MAP underwriting guidelines.
5. _____ applied for NYS MAP on _____.
6. To the best of my knowledge, based on available NYS MAP program guidelines and information I have been given regarding _____'s income, finances, and property, _____ meets the basic qualifications to proceed with a NYS MAP loan application.
7. Final determination of NYS MAP eligibility is dependent upon NYS MAP's review of the application and decision.

Dated: _____, 2018
Buffalo, New York

Advocate's Signature
Advocate contact information:
Phone:
Address: