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COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

March 26, 2019

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: Authorization to Contract with Western New York Law Center, Inc.
Zombie Property Outreach Service**

Dear Honorable Members:

Please find enclosed a resolution from the Erie County Clerk's Office seeking legislative authorization to enter into a contract with Western New York Law Center, Inc. for Zombie Property outreach services based on a request for proposals (RFP 1919VF).

Should your Honorable Body require further information, I encourage you to contact me. Thank you for your consideration on this matter.

Sincerely,

Michael P. Kearns
Erie County Clerk

Enclosures

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Michael P. Kearns, Erie County Clerk
Re: Authorization to contract with Western New York Law Center, Inc. for Zombie Property Outreach Services
Date: March 26, 2019

SUMMARY

A "Zombie Property" is a parcel improved by a one-to-four-family dwelling and abandoned by its occupants when a foreclosure action has been instituted against the property owner. Upon vacating the properties, the structures experience: damage from weather, scavenging, squatters, and criminal activity. The resulting deterioration creates nuisance conditions and can often affect the values of surrounding properties. Further, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect.

A recent statewide initiative provides "invitation only" grant opportunities to communities throughout Erie County to combat zombie properties; however, several municipalities were excluded. The Erie County Clerk recognizes that grappling with the blight of Zombie Properties transcends all communities and impacts all County taxpayers, regardless of the property location and believes this initiative will fill the much needed gap caused by exclusions under State funding.

FISCAL IMPLICATIONS

None – The County Clerk has a proposed resolution before this Honorable Body, Comm. 24E-4 (2018) as amended by Comm. 6E-20(2019), unexpended appropriations will be transferred accordingly to provide a budget neutral effect.

REASONS FOR RECOMMENDATION

The County Clerk desires to use available unexpended appropriations from 2018 to provide technical assistance to those municipalities which would otherwise not be eligible for such aid. Over 9,500 individuals in Erie County are ninety days or more in arrears on the mortgage payments and Lis Pendens filings in foreclosure actions has already increased approximately 150% for 2019. The intended effect of this effort is to put these Zombie Properties in a position for improvement and conveyance so there may be an increase in mortgage and transfer tax revenues, as well as securing value in the County's tax base.

CONSEQUENCES OF NEGATIVE ACTION

Failure to award the Zombie Outreach Services proposal will ignore the pending issues faced by the County, its municipalities and taxpayers which result from stalled foreclosures, including but not limited to: economic blight, reduction in property values, and reduction in revenues from property, mortgage and transfer taxes.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Clerk will work with the County Attorney and Division of Budget and Management to enter into contract negotiations with Western New York Law Center, Inc. Work under the contract will begin as soon as is feasible.

**A RESOLUTION SUBMITTED BY
ERIE COUNTY CLERK**

Re: Authorization to contract with Western New York Law Center, Inc. for Zombie Property Outreach Services

WHEREAS, the County Clerk is an independently elected official responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions; and

WHEREAS, the County Clerk, as an agent of the State, collects mortgage and real estate transfer taxes that are then apportioned between the State, State agencies, the County, and cities, towns and villages located within Erie County; and

WHEREAS, over 9,500 individuals in Erie County are ninety days or more in arrears on the mortgage payments and Lis Pendens filings in foreclosure actions has already increased approximately 150% for 2019; and

WHEREAS, A "Zombie Property" is a parcel improved by a one-to-four-family dwelling and abandoned by its occupants when a foreclosure action has been instituted against the property owner; and

WHEREAS, upon vacating the properties, the structures experience: damage from weather, scavenging, squatters, and criminal activity and the resulting deterioration creates nuisance conditions and can often affect the values of surrounding properties; and

WHEREAS, further, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect; and

WHEREAS, a recent statewide initiative provides "invitation only" grant opportunities to communities throughout Erie County to combat zombie properties; however, several municipalities were excluded; and

WHEREAS, the Erie County Clerk recognizes that grappling with the blight of Zombie Properties transcends all communities and impacts all County taxpayers, regardless of the property location and believes this initiative will fill the much needed gap caused by exclusions under State funding; and

WHEREAS, the intended effect of combating Zombie Properties is to put them in a position for improvement and conveyance so there may be an increase in mortgage and transfer tax revenues, as well as securing value in the County's tax base.

WHEREAS, the Erie County Clerk issued RFP #1919VF seeking proposers for Zombie Property Outreach Services, advertised in Amherst Bee and Buffalo Challenger, provided the RFP to several potential proposers; and

WHEREAS, one proposal was received which was reviewed by a committee which scored the proposal, reviewed the costs, contacted references and reviewed the past work of the proposer; and

WHEREAS, the committee determined Western New York Law Center, Inc. is a responsible and well regarded organization to perform the services; and

WHEREAS, the funds necessary to cover the costs of this contract are available if the Legislature approves Comm. 6E-20(2019) that amends Comm. 24E-4(2018).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to enter into a contract with Western New York Law Center, Inc., for zombie property outreach services; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the County Attorney and the Erie County Clerk.