

April 22, 2021

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 15E-21 (2020)
HARDWICK: “WROTB Receipt of Paycheck Protection Program Funds & Furloughs”
(Chair’s Ruling)
 - b. COMM. 8E-5 (2021)
COUNTY CLERK: “2020 Annual Report of County Clerk’s Office”
(Chair’s Ruling)

2. COMM. 8E-29 (2021)
COUNTY CLERK
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, 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, 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; and

WHEREAS, the Erie County Clerk issued RFP #1919VF seeking proposers for Zombie Property Outreach Services, and the Legislature awarded a contract (19-396-CC) to the Western New York Law Center (the “WNYLC”) (see COMM.7E-29 (2019)); and

WHEREAS, the Erie County Legislature extended the contract (19-396-CC (Amend. 1)) with the WNYLC through February 11, 2021 (*see* COMM 12E-15 (2020), as amended); and

WHEREAS, the extension term with the WNYLC expired on February 11, 2021 and it continues to monitor over thirty (30) properties, approximately seventeen (17) have pending New York State Department of Financial Services investigations; and

WHEREAS, the WNYLC through the Zombie Property Outreach Services Program has coordinated litigation with the Town of Clarence, utilizing the newly enacted Real Property Actions and Proceedings Law Section 1308 to impose a civil penalty upon a mortgage servicer for its failure to properly maintain a zombie property; and

WHEREAS, a longstanding vacant and abandoned zombie house was demolished in the Village of Kenmore at the cost of the mortgage servicers through the efforts of the Zombie Property Outreach Services Program; and

WHEREAS, the Erie County Clerk’s Office has upgraded its Registrar indexing software so notices may be sent to individuals when certain documents bearing their name are recorded in the Clerk’s Office, specifically lis pendens and deeds; and

WHEREAS, the Western New York Law Center may leverage this technology and provide services to individuals receiving such notices to initiate loss mitigation measures and prevent foreclosures from descending into zombie property status; and

WHEREAS, it is important that these services be restored and enhanced with this vendor to ensure continuity and preserve the best value for County funds; and

WHEREAS, the funds necessary to cover the costs of this contract are available in the Registrar-Professional Services line (Fund Center 11310 – Account Number 516020) of the Erie County Clerk’s 2021 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to amend its contract (19-396-CC (Amend. 1) with Western New York Law Center, Inc., for zombie property outreach services for a further extension of services to be provided from May 1, 2021 to December 31, 2021 in exchange for the payment in the amount of \$125,000.00; 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.

(6-0)

JOHN J. GILMOUR
CHAIR