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TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

To: The Honorable Town Board

From: John J. Fenz, Esq.
Town Attorney

Date: February 2, 2017

Re: LISC – Disbursement Conditions Agreement
Zombie Homes Initiative Grant

Kindly adopt a resolution authorizing the Supervisor to execute the attached Agreement with Local Initiatives Support Corporation.

This Agreements sets forth the conditions which must be met to trigger disbursement of \$175,000 in grants to the Town for its zombie and vacant properties remediation and prevention initiatives.



January 30, 2017

Sheila M. Meegan, Supervisor
Town of West Seneca
1250 Union Road
West Seneca, New York 14224
smeegan@twsnv.org

Re: LISC Program Action Number: 47385-0001
Town of West Seneca

Dear Supervisor Meegan:

Disbursement of Grant:

By commitment letter dated October 11, 2016 (the "Commitment Letter"), from Local Initiatives Support Corporation ("LISC") to the Town of West Seneca (the "Grantee") LISC committed a grant in the amount of \$175,000.00 (the "Grant") for its zombie and vacant properties remediation and prevention initiatives. Such initiatives qualify as Code Enforcement and Housing Quality Improvement Programs as set forth in the Commitment Letter.

LISC will disburse the proceeds of the Grant to the Grantee in two equal disbursements of \$87,500 each by Automated Clearing House ("ACH") or by wire transmittal.

A. First Disbursement of Grant:

The First Disbursement will be made by LISC, in the amount of \$87,500, upon the satisfaction of the following conditions:

1. Receipt by LISC of a countersigned copy of this disbursement conditions agreement ("Disbursement Conditions Agreement" or "DCA") executed by a duly authorized signatory of the Grantee; scanned and sent to LISC via e-mail in accordance with the directions below. The original, with original signature of an authorized signatory of Grantee, to be mailed to LISC in accordance with the instructions below. By countersigning this letter the Grantee agrees to such disbursement conditions, and reaffirms that it will use Grant proceeds solely for its zombie and vacant properties remediation and prevention initiatives. Such initiatives qualify as Code Enforcement and Housing Quality Improvement Programs as set forth in the Commitment Letter.

Local Initiatives Support Corporation – NYS Housing Stabilization Fund
501 Seventh Avenue, 7th Floor, New York, NY 10018

Accepting the Grant proceeds will be further acknowledgement of Grantee's agreement to the terms and conditions of the Commitment Letter and this Disbursement Conditions Agreement.

2. Receipt by LISC of completed and signed ACH instructions or of signed wire instructions.
3. Completion and execution, by an authorized signatory, of the attached disbursement request form (Attachment A).

B. Second Disbursement of Grant:

The Second Disbursement will be made by LISC, in the amount of \$87,500, no sooner than 5 calendar months, and no more than 10 calendar months, after the date of the First Disbursement, upon the satisfaction of the following conditions:

1. Completion and execution by an authorized signatory, of the attached disbursement request form.
2. The budget submitted by Grantee, a copy of which is attached as Attachment B, with additional information showing what portion of each line item was funded with the First Disbursement and how the Second Disbursement will be allocated. Any proposed changes to the budget, if any, should be flagged and a brief written explanation must be provided for the proposed changes. (This is to be sent by e-mail in accordance with the instructions below.)
3. A narrative report, detailing whether and how the following goals were met, which deliverables were produced and the timeline for when those goals were met and deliverables were produced.
 - a) At-Risk Homeowner Outreach and Retention
 - (1) Distribution of at least 500 brochures to the public – through outlets and in locations likely to reach at-risk homeowners.
 - (2) Outreach through direct mailing to at least 250 at-risk homeowners who have been identified pursuant to a plan
 - (3) Targeted outreach to at least 13 homeowners who have vacated or abandoned their homes.
 - b) Vacant/Abandoned Properties Task Force
 - (1) Establish and set an agenda for the Task Force.
 - (2) Report on the accomplishments during the first six months.
 - c) Create database of all vacant and zombie properties and coordinate efforts with the NYS Department of Financial Services (DFS) zombie registry.
 - (1) Select and purchase new software to track properties.

- (2) Hire a consultant to create database and train staff in its use.
 - (3) Consultant to meet with town officials to review property database.
 - (4) Research and track mortgage foreclosures for one year – identify first 50.
 - (5) Maintain database with all zombies and vacant properties
 - (6) Produce a monthly report on the status and progress of each foreclosure case affecting a zombie property
 - (7) Research and track the ownership of vacant and abandoned properties.
- d) Increase the use of legal process to move vacant properties through the foreclosure process to be repurposed for productive use.
- (1) Bring proceedings against financial institutions to compel them to maintain five zombie properties pursuant to the NYS zombie law.
 - (2) Advertise for, and identify competent, responsible contractors to demolish three structures that are so deteriorated they cannot be rehabilitated.

C. FINAL REPORT

1. No later than 10 months after the Second Disbursement is requested by Grantee, Grantee shall e-mail to LISC, to Hcaloir@lisc.org, the final narrative report detailing whether and how the following goals were met, which deliverables were produced and the timeline for when those goals were met and deliverables were produced.
 - a) At-Risk Homeowner Outreach and Retention
 - (1) Distribution of a total of at least 1,000 brochures to the public – through outlets and in locations likely to reach at-risk homeowners.
 - (2) Outreach through direct mailing of a total of at least 500 at-risk homeowners who have been identified pursuant to a plan.
 - (3) Targeted outreach to a total of at least 25 homeowners who have vacated or abandoned their homes.
 - (4) Summarize the effectiveness of the above initiatives, using LISC grant proceeds, to connect at-risk homeowners and displaced homeowners to foreclosure prevention assistance.
 - b) Vacant/Abandoned Properties Task Force
 - (1) Report on the accomplishments of the Task Force during the LISC grant period.
 - c) Create database of all vacant and zombie properties and coordinate efforts with the NYS Department of Financial Services (DFS) zombie registry.
 - (1) Consultant to meet with town officials to review property database.
 - (2) Research and track mortgage foreclosures for one year – identify 100.

- (3) Maintain database with all zombies and vacant properties during the LISC grant period and report on how it has been used and whether and how it has aided with enforcement efforts.
 - (4) Summarize the status and progress of each foreclosure case affecting a zombie property during the LISC grant period.
 - (5) Summarize the results of researching and tracking the ownership of vacant and abandoned properties during the LISC grant period.
- d) Increase the use of legal process to move vacant properties through the foreclosure process to be repurposed for productive use.
- (3) Bring proceedings against financial institutions to compel them to maintain a total of 10 zombie properties pursuant to the NYS zombie law.
 - (4) Advertise for, and identify competent, responsible contractors to demolish a total of five structures that are so deteriorated they cannot be rehabilitated.

Please email a scanned copy of the countersigned copy of this Disbursement Conditions Agreement, and all other required documents, to HCaloir@lisc.org, and mail her a hard copy of this Disbursement Conditions Agreement only (no hard copies are required of the other documents) to Helene Caloir, LISC, 501 Seventh Avenue, 7th Floor, New York, NY 10018. Please contact Ms. Caloir if you have any questions about these disbursement conditions.

Please note - this Disbursement Conditions Agreement must be signed and returned to LISC on or before February 10, 2017. If such deadline passes, LISC reserves the right to modify these disbursement conditions.

Please also note – Grantee must submit all of its disbursement requests on or before December 15, 2017. Any Grant proceeds not requested on or before December 15, 2017 will be de-obligated and re-granted unless LISC consents, in writing, to an extension of the deadline.

LOCAL INITIATIVES SUPPORT CORPORATION

Signature: _____

Name: _____

Title: _____

Date: As of January 30, 2017

DISBURSEMENT CONDITIONS ACCEPTED AND AGREED TO:

TOWN OF WEST SENECA

Authorized Signature: _____

Name: _____

Title: _____

Date: _____, 2017

Attachment A

LISC P.A. No. 47385-0001

DISBURSEMENT REQUEST FORM

This Disbursement Request Form is being furnished to Local Initiatives Support Corporation ("LISC") pursuant to the Disbursement Conditions Agreement (the "Disbursement Conditions Agreement"), entered into between the Town of West Seneca ("Grantee"), and LISC, pursuant to which LISC has awarded to Grantee a \$175,000.00 grant (the "Grant") to be disbursed upon the satisfaction of certain conditions. All terms not otherwise defined here will have the meaning set forth in the Disbursement Conditions Agreement.

(1) Grantee hereby certifies that:

- (a) It requests a Disbursement of the Grant in the amount of \$_____.
This is the _____ [First/Second] Disbursement pursuant to the Disbursement Conditions Agreement.
- (b) It has satisfied all conditions to receiving such Disbursement. (All documentation required for the requested Disbursement is attached to this Disbursement Request Form.)

TOWN OF WEST SENECA

Authorized Signature: _____

Name: _____

Title: _____

Date: _____, 20__

Attachment B

BUDGET	TOTAL	Disbursement 1	Disbursement 2
Salaries	\$115,775	\$57,887.50	\$57,887.50
Fringe	\$28,210	\$14,105	\$14,105
Travel	\$3,000	\$1,500	\$1,500
Office Overhead	\$11,000	\$5,500	\$5,500
Community Outreach	\$3,200	\$1,600	\$1,600
Staff Training	\$1,000	\$500	\$500
Software and Tech Support	\$1,500	\$750	\$750
Research	\$4,000	\$2,000	\$2,000
Other e.g. postage, printing, supplies etc.	\$7,315	\$3,657.50	\$3,657.50
TOTAL	\$175,000	\$87,500	\$87,500