

TOWN OF WEST SENECA



SHEILA M. MEEGAN
TOWN SUPERVISOR

To: Fellow Town Board Members

From: Sheila M. Meegan, Town Supervisor

Date: June 12, 2017

Re: Resolution Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act

Kindly move to adopt the attached resolution supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act

Re: Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed “zombie houses” defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank’s financial interest to foreclose on the property implying that time is a crucial factor in these cases; and

WHEREAS, these houses remain empty typically due to homeowners’ misunderstanding of proper foreclosure procedure- leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the The Town of West Seneca requests permission from New York State to make the following amendments to the legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act 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 and abandoned from two years to one year; and

WHEREAS, additionally to recommend § 11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclosure on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year

NOW, THEREFORE, BE IT

RESOLVED, the following resolution is hereby adopted by the The Town of West Seneca and be it further,

RESOLVED, that Town Clerk, Jacqueline Felser, forward certified copies of this resolution to the New York State Assembly attention Speaker Carl E. Heastie and New York State Senate attention Majority Leader Flanagan as well as Senator Patrick Galliven, Assemblyman Michael Kearns, to the Erie County Executive, the Honorable Mark Poloncarz, and Legislator Joseph Lorigio and to all other parties deemed necessary and proper.

FISCAL IMPACT: None for resolution