

May 28, 2013

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-2 (2013)
COUNTY EXECUTIVE: “New Multimedia & Videoconference Capabilities in the Rath Building”
(6-0)
 - b. COMM. 3E-3 (2013)
COUNTY EXECUTIVE: “Videoconference Equipment Procurement”
(6-0)
 - c. COMM. 3E-9 (2013)
DIXON: “Request for a Purchase Procedure Review”
(6-0)
 - d. COMM. 3D-8 (2013)
COMPTROLLER'S OFFICE: “Letter Concerning Purchase of Videoconference Equipment”
(6-0)
 - e. COMM. 10D-2 (2013)
COUNTY ATTORNEY: “Notice of Claim”
(6-0)
2. COMM. 10E-9 (2013)
COUNTY EXECUTIVE
WHEREAS, Article 16 of the Not-for-Profit Corporation Law, namely the Land Bank Act, was signed by Governor Andrew Cuomo in July 2011; and

WHEREAS, section 1616(i) of the Land Bank Act provides that:
“notwithstanding any other provision of the law to the contrary, in the event that no municipality elects to tender a bid at a judicially ordered sale pursuant to the provisions of section eleven hundred thirty-six (1136) of the real property tax law (RPTL), the land bank may tender a bid at such sale in an amount equal to the total Amount of all municipal claims and liens which were the basis for the judgment. In the event of such tender by the land bank the property shall be deemed sold to the land bank regardless of any bids

by any other third parties. The bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank. The obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment;” and

WHEREAS, there are many foreclosing governmental units across the state which conduct In Rem tax foreclosures pursuant to a local or special law, as is the case in Erie County; and

WHEREAS, in such cases, the judicially ordered sale is pursuant to a county charter, city charter, administrative code or special law, not the above referenced section 1136 of RPTL; and

WHEREAS, it is necessary for section 1616(i) of the Land Bank Act to include counties, cities, and towns excluded from Article 11 of RPTL because of the existence of a Charter, Administrative Code or Special Law which authorizes the municipality to enforce the collection of delinquent taxes; and

WHEREAS, the County of Erie and the cities of Buffalo, Lackawanna, and Tonawanda jointly applied for and were awarded a Land Bank in May 2012, which has been named the Buffalo Erie Niagara Land Improvement Corporation (BENLIC); and

WHEREAS, section 1616(i) of the Land Bank Act must be changed to allow BENLIC to successfully bid on properties at the County’s In Rem auction this October 2013; and

WHEREAS, the City of Niagara Falls has expressed interest in joining BENLIC; and

WHEREAS, the number of Board Members allowed under the Land Bank Act is limited to 11; and

WHEREAS, an expansion of the number of Board Members is necessary in order for BENLIC to accommodate the addition of the City of Niagara Falls.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby goes on record in support of Assembly Bill A7245 and Senate Bill S5167, which Amend the Land Bank Act to address the issues discussed above; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.
(6-0)

THOMAS J. MAZUR
CHAIR