



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

March 12, 2025

The Honorable Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Resolution to Authorize Entry into Third Extension of Contract with Western New York Law Center, Inc.

Dear Honorable Members:

The attached proposed Resolution seeks authorization for the Erie County Executive to execute a third and final extension of the contract with Western New York Law Center, Inc., for a period of twenty-four (24) months, to provide zombie property outreach services. This Honorable Body previously authorized entry into the contract in December 2021 (COMM. 25-E-16 [2021]) and approved a first extension in June 2023 (COMM. 11E-33 [2023]) and an amendment and second extension in February 2024 (COMM. 2E-1 [2024]). A memorandum of support is also included.

Thank you for your consideration of this matter. If your Honorable Body requires further information, kindly contact the Office of the Erie County Clerk.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael P. Kearns". The signature is written in a cursive style and is positioned above the printed name of the County Clerk.

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

**STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NEW YORK**

**A Resolution Submitted by the Erie County Clerk
Re: Authorization for Third Extension of Contract With Western New York Law Center,
Inc. for Zombie Property Outreach Services**

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 can 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, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect and leads to blight; 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 become more important as the number of foreclosures is anticipated to continue to rise; 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, in November 2021, the Erie County Clerk issued RFP #2021-044VF seeking proposers for Zombie Property Outreach Services, advertised in the Orchard Park Bee and Buffalo Challenger, and provided the RFP to several potential proposers; and

WHEREAS, a committee received, reviewed, and scored the two (2) proposals that were submitted in response to the RFP and determined that Western New York Law Center, Inc. submitted the best proposal and that their organization was the most responsible, well-regarded, and best-positioned to perform the services requested; and

WHEREAS, on December 16, 2021, the Erie County Legislature authorized the Erie County Clerk to enter into a contract with Western New York Law Center, Inc., in the amount of \$250,000, for zombie property outreach services for an initial term of twelve (12) months (COMM. 25-E-16 [2021]); and

WHEREAS, the initial term of the contract ran from January 4, 2022 – January 4, 2023; and

WHEREAS, on June 8, 2023, the Erie County Legislature authorized the Erie County Clerk to enter into the first contract extension with Western New York Law Center, Inc., in the amount of \$250,000, for zombie property outreach services for a period of twelve (12) additional months (COMM. 11E-33 [2023]); and

WHEREAS, the first contract extension ran from January 4, 2023 – January 4, 2024; and

WHEREAS, on February 15, 2024, the Erie County Legislature approved COMM. 2E-1 (2024) authorizing the Erie County Clerk to amend and extend its contract with Western New York Law Center, Inc., in the amount of \$125,000, for zombie property outreach services for a period of twelve (12) additional months; and

WHEREAS, the second contract extension began on June 10, 2024 and is set to expire on June 10, 2025; and

WHEREAS, the contract has only been in effect for three (3) years to date, considering the initial term of twelve (12) months and the two extension of twelve (12) months each; and

WHEREAS, it is vital that these services continue to ensure continuity and preserve the best value for County funds; and

WHEREAS, the Erie County Clerk consulted with the Division of Purchase and confirmed that a third and final extension of the contract for an additional two (2) years was appropriate, in light of the contract not exceeding the standard five (5) year limit for vendor contracts; and

WHEREAS, the Erie County Clerk is now requesting authorization from the Erie County Legislature for the third and final extension of the aforementioned contract with Western New York Law Center, Inc. to provide zombie outreach services for an additional term of twenty-four (24) months; and

WHEREAS, the funds necessary to cover the costs of extending the aforementioned contract are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees; and

WHEREAS, the Erie County Clerk and Western New York Law Center have negotiated in good faith the cost of zombie outreach services at a reduced rate for this third and final extension.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into a third and final contract extension for a period of twenty-four (24) months with Western New York Law Center, Inc., in the amount of \$125,000 per year, to provide zombie property outreach services; and be it further

RESOLVED, the source of these funds comprising payment under the contract to Western New York Law Center, Inc., in the amount of \$125,000 per year, shall be from and are currently

available in the following account: County Clerk- Registrar Division, Account No.: 516020-Professional Services Contracts and Fees; and be it further

RESOLVED, that the Erie County Executive, or the Deputy County Executive, is authorized to authorize the said Third Extension with the fundamental terms set forth above, subject to a form of the final Third Extension being approved by the County Attorney; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Clerk, the Director of Budget and Management, the Erie County Attorney, and the Erie County Comptroller.

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Michael P. Kearns, Erie County Clerk
RE: Third Extension for Contract With Western New York Law Center, Inc. for Zombie Property Outreach Services
Date: March 12, 2025

SUMMARY

The Erie County Clerk's Office is requesting authorization to enter into a third and final extension of the contract with Western New York Law Center, Inc. for zombie property outreach services. 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 can 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. The prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect and leads to blight.

The negative impacts of Zombie Properties transcend municipal boundaries and affect all Erie County taxpayers. The Agreement between the Erie County Clerk's Office and Western New York Law Center Inc. has been extended twice already, however the total amount of years the contract has been in effect is only three. The Erie County Clerk consulted with the Division of Purchase and confirmed that a third and final extension of the contract for an additional two (2) years was appropriate, in light of the contract not exceeding the standard five (5) year limit for vendor contracts.

FISCAL IMPLICATIONS

Positive. The funds necessary to cover the costs of extending the aforementioned contract are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees. In addition, the Erie County Clerk and Western New York Law Center have once again negotiated in good faith the cost of zombie outreach services at a reduced rate for this third extension, bringing the initial annual fee of \$250,000 down to \$125,000 per year.

REASONS FOR RECOMMENDATION

Many individuals in Erie County are ninety days or more in arrears on their mortgage payments and Lis Pendens filings in foreclosure actions have been filed in 2024. A third extension of this initiative will help ensure continued cooperation amongst Erie County, local municipalities, and non-profits in addressing Zombie Property issues.

CONSEQUENCES OF NEGATIVE ACTION

Failure to extend the property outreach services would result in less guidance and technical support for municipalities across Erie County that are already struggling to effectively address Zombie Properties in their communities, thereby likely leading to increased numbers of blighted properties, decreased property values for neighboring properties, and less property, mortgage, and transfer taxes being collected in Erie County.

STEPS FOLLOWING APPROVAL

The Erie County Clerk will work with Western New York Law Center, Inc., the Erie County Attorney, and Division of Budget and Management to finalize the third extension of Erie County's contract with Western New York Law Center, Inc.