



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

June 25, 2025

Scott A. Bylewski, Esq.
Director of Real Property Tax Services
95 Franklin Street - Room 100
Buffalo, New York 14202
<Via Email: scott.bylewski@erie.gov>

Re: Notice of Property for 2025 In Rem Foreclosure Proceeding

Dear Mr. Bylewski:

I write to bring to your attention a vacant property that has been a blight on the community for close to six years: 359 Riley Street, Buffalo, New York 14208.

As part of the Erie County Clerk's Office Zombies Initiative and partnership with the Western New York Law Center, we learned that 359 Riley has had numerous Code Violations since it was purchased in 2020 by "359 Riley St Partners LLC", based out of Nassau County. The Zombies Initiative has received multiple complaints regarding this property from the community.

Pursuant to the data received from the Clerk's Office's most recent FOIL request to the Department of Real Property Tax Services ("DRPTS") in June 2025, we learned that 359 Riley is tax delinquent and has been since 2020, in the amount of approximately \$1,310.64.

Concerningly, this property has not yet been foreclosed upon or sent to auction. According to the attached foreclosure policy received from DRPTS via FOIL request in March 2025, the "In Rem provisions" of Article 11 of the Erie County Tax Act provide for "In Rem foreclosure upon any tax lien certificate that has been due and outstanding for a period of 2 years."

Furthermore, the FOIL response from DRPTS indicates that "a threshold amount of \$3,850 due in arrears" is used to determine which properties are included in In Rem foreclosure proceedings.

While the back taxes owed by the owner of 359 Riley is not at the \$3,850 threshold amount, I strongly urge DRPTS to consider including this property in the 2025 In Rem foreclosure proceedings for the good of the community.

Scott A. Bylewski, Esq.

June 25, 2025

Page 2

Going forward, the Clerk's Office will continue to alert DRPTS and the Erie County Legislature of other vacant and abandoned properties that have been allowed to languish due to the County's current foreclosure policy.

Very truly yours,



MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

Cc: Erie County Legislature (via filing)



County of Erie

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF REAL PROPERTY TAX SERVICES

SCOTT A. BYLEWSKI
DIRECTOR REAL PROPERTY
Email: Scott.Bylewski@erie.gov
Office 716-858-2715 - Fax 716-858-6440

February 2, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: In Rem Process

Dear Honorable Members:

This correspondence sets forth the policy of selecting properties subject to the In Rem proceedings.

The objective of the In Rem proceeding is twofold: to collect revenue due to the County and return parcels to the active tax rolls. The County of Erie's Department of Real Property Tax Services (DRPTS) works with eligible residents to enter into payment plans whenever possible. The goal is not to remove residents from their homes.

The County's In Rem foreclosure is governed by Article 11 of the Erie County Tax Act ("ECTA") described as the "In Rem provisions", which provides for In Rem foreclosure upon any tax lien certificate that has been due and outstanding for a period of 2 years. To successfully foreclose upon a subject tax lien certificate, the County is required to meet each of the notice requirements as set forth in the In Rem provisions.

Looking at the most recent numbers available, there were 373,363 parcels in the County as of December 31, 2021.¹ As of January 2023, 10,415 of these parcels are eligible for foreclosure in that they have tax lien certificates that have been due and outstanding for the required 2-year period.

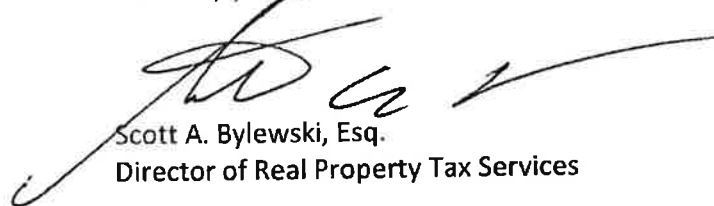
From the list of parcels with tax lien certificates eligible for foreclosure, DRPTS removes parcels that are currently the subject of other In Rem foreclosure proceedings, have been redeemed, or involve any legal or environmental impediments to sale (e.g., parcels that are brownfields, land locked, or otherwise in need of remediation or undesirably situated). As of January 2023, the list was reduced to 5,026 parcels in this regard.

Finally, due to budgetary constraints, a total of 1600 out of the aforesaid 5,026 parcels are selected to be subject to the 2023 In Rem foreclosure proceeding. DRPTS used a threshold amount of \$3,850 due in arrears to arrive at the list of 1600 parcels. Please note that typically, the threshold amount due for inclusion in the In Rem will not be lower than the legal expense incurred to foreclose upon and auction any given parcel.

Enclosed please find a graphic illustrating the aforesaid.

Please contact me should your Honorable Body require further information.

Sincerely yours,



Scott A. Bylewski, Esq.
Director of Real Property Tax Services

SAB
Enclosure

¹ At the time of writing, parcel / deed transactions from the 2022 calendar year are still being processed. The total number of parcels in Erie County as of 12/31/22 will be available after the tentative roll date for each municipality, which for most in Erie County, is May 1, 2023.

IN REM SELECTION

01

01
PARCELS IN ERIE COUNTY (AS OF
12/2021) - 373,363

02

PARCELS WITH TAX LIEN CERTIFICATES
THAT HAVE BEEN DUE AND OUTSTANDING
FOR THE REQUIRED 2-YEAR PERIOD (AS
OF 1/2023) - 10,415

03

PARCELS THAT DO NOT HAVE
EXISTING/PENDING IN REM FORECLOSURE,
REDEMPTIONS, OR LEGAL/ENVIRONMENTAL
IMPEDIMENTS TO SALE- 5,026

02

03

04

04

PARCELS THAT OWE MORE THAN \$3,850 IN
ARREARS - 1,600