



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 7, 2014

Sponsored by Council Members: Motsavage, Berg, Webb, Matzo, Rennia, Mihalko, Papastrat

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

entitled

A RESOLUTION CALLING ON THE GOVERNOR, THE NEW YORK STATE ASSEMBLY, AND THE NEW YORK STATE SENATE TO ENACT THE "ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2014"

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Binghamton and in many situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community's real estate market and the state's property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Binghamton and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Binghamton similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

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WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only after a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Binghamton and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

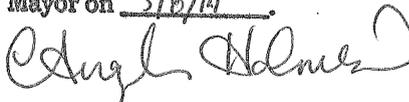
WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Binghamton and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities, impose a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, pre-foreclosure, action to identify, secure and maintain such vacant and abandoned properties, establish a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, and ensure that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court; and

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the City of Binghamton calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the "Abandoned and Property Neighborhood Relief Act of 2014"; and be it further

RESOLVED that a copy of this Resolution with the seal of the City of Binghamton embossed thereupon be forwarded to Governor Andrew Cuomo, New York State Senator Tom Libous, and New York State Assemblywoman Donna Lupardo.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 5/7/14. Approved by the
Mayor on 5/8/14.



Introductory No. R14-26

Permanent No. R14-25

Sponsored by City Council Members:
Motsavage, Berg, Webb, Matzo, Rennia, Mihalko,
Papastrat

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THE NEW YORK STATE ASSEMBLY, AND THE
NEW YORK STATE SENATE TO ENACT THE
"ABANDONED PROPERTY NEIGHBORHOOD
RELIEF ACT OF 2014"

The within Resolution was adopted by the Council of
the City of Binghamton.

Date MAY 7, 2014

Charles Holmes
City Clerk

Date Presented to Mayor MAY 8, 2014

Date Approved 5/8/14

Michael J. Smith
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia				✓
Webb	✓			
Papastrat	✓			
Matzo				✓
Berg	✓			
Total	5	0	0	2

Code of the City of Binghamton

Adopted Defeated

5 Ayes 0 Nays 0 Abstain 2 Absent

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of the City of Binghamton at a meeting
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Clerk on May 7, 2014