

Resolution 23-24

Finger Lakes Regional Land Bank Corporation Board of Directors

Moved by Ernie Brownell, Les Marquart

RESOLUTION ENDORSING DEVELOPMENT OF A PROGRAM TO ACQUIRE PROPERTIES THROUGH RPAPL ARTICLE 19-A &19-B

WHEREAS, The Finger Lakes Regional Land Bank Corporation (“FLRLBC”) is currently engaged in strategic planning to develop sustainable models for property acquisition and development that would further its mission; and

WHEREAS, the need to find alternative means of acquisition is particularly timely because of the impending imposition of a state moratorium on *in rem* foreclosures as a result of the May 25, 2023 U.S. Supreme Court decision in *Tyler v. Hennepin County, Minnesota* which will mean the FLRLBC will not be able to acquire properties from Seneca County after foreclosure for the immediate future; and

WHEREAS, one such alternative process is working with the local municipalities and the County to use Real Property Actions and Proceedings Law (RPAPL) Articles 19-a and 19-b (“Article 19 Proceedings”) for acquisition; and

WHEREAS, that process includes FLRLBC attorneys (1) working with the local code officials to determine if properties are abandoned and certifying them as such, (2) providing notice to the owner of intent to commence a proceeding under Article 19-a or 19-b, (3) filing an action in court under Article 19 requesting the property be ordered to be abandoned and for title to transfer to the municipality, (4) the County, municipality, and special district forgiving any back taxes owed, and (5) the municipality transferring the property to the FLRLBC for stabilization and development; and

WHEREAS, the FLRLBC can use LBI Phase II Grant funds from NY HCR to pay the legal fees associated with bringing these actions (approximately \$5,000 per action) and for stabilizing and/or developing the properties before returning them to productive use; and

WHEREAS, currently, the Greater Mohawk Valley Land Bank Corporation and the Albany County Land Bank Corporation successfully use this process to acquire properties; and

WHEREAS, the FLRLBC has capacity and resources to lead an effort to develop an Article 19 Proceeding program in consultation with local municipalities and the County.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Finger Lakes Regional Land Bank Corporation supports the development of an Article 19 Proceeding program which would benefit the local municipalities, the County, and further the FLRLBC mission.

2. The FLRLBC Board and Staff will commit time and resources to developing a draft program to share with stakeholders.

I, Amanda Forney, Secretary of the Finger Lakes Regional Land Bank Corporation, a corporation organized and existing under the laws of the State of New York (the "Corporation"), do hereby certify that the above is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors of the Corporation duly held and convened on July 25th, 2023, at which meeting a duly constituted quorum of the Board of Directors was present and acting throughout, and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect.

IN WITNESS THEREOF, the undersigned has affixed their signature this 25 day of July, 2023. The Corporation has no corporate seal.

x 
 Amanda Forney
 Corporation Secretary

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	Yes	Nay	Abstain	Absent
Kyle Barnhart	[]	[]	[]	[X]
Ernie Brownell	[X]	[]	[]	[]
Jill Henry	[X]	[]	[]	[]
Les Marquart	[X]	[]	[]	[]
Don Northrup	[X]	[]	[]	[]
Frank Sinicropi	[X]	[]	[]	[]
David Wood	[]	[]	[]	[X]

