

What is a Zombie Property?

Not all vacant properties are Zombies, but all Zombie properties are vacant.

In order for a property to be considered a Zombie property under NYS Law, it must meet the following criteria:

- Be vacant (not seasonally occupied, damaged due to natural disaster, or under construction)
- Have a mortgage
- Mortgage must be in default

How to Spot a Zombie:

A Zombie property may be easy or more difficult to spot depending on the condition of the property and the maintenance being performed at the property. Below is a list of a few things that are commonly found with vacant properties:

- Overgrown Grass
- Accumulating Mail
- Deteriorating Structures
- Peeling Paint
- Mold
- Rodents, etc.

Contact Us!

716-828-8438

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ZOMBIE properties

What are they and what to do if you have one in your neighborhood.

A Western New York neighbor guide to addressing ZOMBIE properties

Brought to you by:



Who is responsible for a Zombie property?

Within 30 days of a homeowner defaulting in NYS, the bank or servicer is required to visit the home several times to determine if it's vacant and continue these inspections throughout the default. Once a property is determined to be vacant, the servicer has to make a few more verifications and then is responsible for specific maintenance obligations under the law.

These maintenance obligations include but are not limited to:

- Secure property (as well as garages, pools, and other structures on the property)
- Conduct yard maintenance
- Winterize the plumbing & heating systems
- Weatherize property
- Provide basic utilities (e.g. to run sump pumps, etc.)
- Limit discharge of harmful gases, vapors, odors
- Remove / remediate health & safety issues (including code violations)

If a bank or servicer does not comply with its maintenance obligation, it can be fined up to \$500 a day per day the violation persists.

While the Zombie law is a great tool in addressing maintenance issues with Zombie properties, there are many hurdles code enforcement and municipalities face in addressing these properties. Please be patient as the issues with these properties are addressed.

Can someone purchase a Zombie property?

A Zombie property cannot be sold by the bank or servicer until the foreclosure is completed and the title is no longer in the name of the homeowner. However, throughout the foreclosure the homeowner is able to list the property for sale or short sale depending on the situation. In addition, if the property taxes are not kept current, the possibility of a tax foreclosure could also allow for a third party to purchase the property.

What to do about a Zombie property:



Report the property to the Erie County Clerk ZOMBIES Initiative via our website or give us a call

www.ErieCountyClerkZombies.com
716-828-8438



File a complaint with the NYS Department of Financial Services (DFS) Via their website or hotline

<https://www.dfs.ny.gov/complaint>
800-342-3736