

Intro. Res. No. 1545-2009

Laid on Table 6/9/2009

Introduced by Presiding Officer, on request of the County Executive and Legislators Gregory, Horsley, Stern, Schneiderman, D'Amaro, Cooper, Vilorio-Fisher, Beedenbender, Romaine and Nowick

RESOLUTION NO. 673 -2009, ADOPTING LOCAL LAW NO. 28 -2009, A LOCAL LAW REQUIRING FAIRNESS IN COOPERATIVE HOME OWNERSHIP

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 9, 2009, a proposed local law entitled, "**A LOCAL LAW REQUIRING FAIRNESS IN COOPERATIVE HOME OWNERSHIP**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 28 -2009, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING FAIRNESS IN COOPERATIVE HOME OWNERSHIP

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds that cooperative home ownership has increasingly become a more popular form of ownership in Suffolk County.

This Legislature finds that residential cooperative home buyers are subject to processes and conditions that do not apply to buyers of other forms of home ownership.

This Legislature finds that in many instances, a cooperative board or association rejects a potential buyer, that is seemingly well qualified, without advising the potential buyer of the reasons for said rejection and the concern of the potential buyer has been that the cooperative board or association has rejected the potential buyer unlawfully, based either upon race, creed, ethnicity, gender, age or family status.

This Legislature further finds that both Federal and State laws protect Suffolk County residents from unfair housing practices which include discrimination based upon race, creed, ethnicity, gender, age or family status.

This Legislature also finds that presently there are no such measures in place that adequately protect potential buyers from an unlawful rejection by a cooperative board or association.

Therefore, the purpose of this law is to promote transparency in the application process for cooperative home purchases by requiring cooperative home boards or associations to disclose in writing to prospective buyers the reasons for a denial of an application to ensure that the process for cooperative home purchase is fair and protects against illegal discrimination.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“APPLICATION” means the standardized form developed and utilized by a cooperative for the purchase or acquisition of certificates of stock or other evidence of ownership of an interest in the cooperative.

“COOPERATIVE” means real property which is improved and used or occupied, or intended to be used or occupied, as the home or residence of one or more persons, which is subject to Article Twenty-Three-A of the New York State General Business Law, and shall include its cooperative management, cooperative tenants, cooperative shareholders or any appointees or successors in interest thereof.

“PERSON” means a natural person, corporation, partnership, association, trustee, limited liability company, or other legal entity.

“PURCHASE” means the acquisition of certificates of stock or other evidence of ownership of an interest in a cooperative.

“UNIT” means a part of a cooperative used or intended to be used for the home or residence of one or more persons.

Section 3. Requirements.

A.) Purchase Applications. Every cooperative shall develop a standardized form application for purchase and shall provide such application to any person seeking to purchase a unit in such cooperative. Every application shall set forth the requirements for purchase of a unit and shall include a notice advising how the applicant may access information on fair housing and anti-discrimination laws.

B.) Action Upon Applications.

1.) Within ten days of receipt of a completed application, the cooperative shall provide the applicant with written acknowledgement of receipt of the application. If the application is incomplete or completed incorrectly, the acknowledgment shall instruct the applicant of the time and manner by which the application shall be corrected.

2.) Within forty-five days of receipt of an application, the cooperative shall either reject or approve the application and provide the applicant with written notice thereof, and in the case of any rejection, there shall be notice of the grounds for such rejection.

C.) Public Policy. Every agreement, negative covenant, restrictive covenant or other provision, whether written or oral and wherever contained, inconsistent with this law, shall be void and unenforceable.

Section 4. Reverse Preemption.

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this

law, or in the event that a pertinent State or Federal Administrative Agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions in this section.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

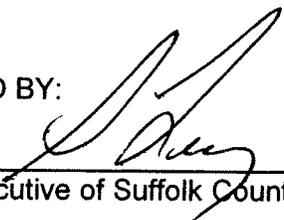
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: August 4, 2009

APPROVED BY:



County Executive of Suffolk County

Date: 8/9 8/09.

After a public hearing duly held on August 18, 2009
Filed with the Secretary of State on September 15, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on August 4, 2009, and signed by the
County Executive on August 28, 2009, after a public hearing duly held on
August 18, 2009 and filed with the Secretary of State on September 15, 2009
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

Intro. Res. 1545 Res. No. 673

August 4, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO			/		
10	Cameron ALDEN		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.		/			
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		15	2	1		

MOTION

Approve

 Table: _____

 Send To Committee

 Table Subject To Call

 Lay On The Table

 Discharge

 Take Out of Order

 Reconsider

 Waive Rule _____

 Override Veto

 Close

 Recess

APPROVED FAILED _____
 No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

 NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote