

STRICKEN END OF YEAR

Intro. Res. No. 1568-2009

Laid on Table 6/23/2009

Introduced by Legislators Cooper and Romaine

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW TO STRENGTHEN THE
COUNTY'S LAND TRANSFER PROGRAM FOR AFFORDABLE
HOUSING**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2009, a proposed local law entitled "**TO STRENGTHEN THE COUNTY'S LAND TRANSFER PROGRAM FOR AFFORDABLE HOUSING**"; now, therefore be it

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

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

**A LOCAL LAW TO STRENGTHEN THE COUNTY'S LAND
TRANSFER PROGRAM FOR AFFORDABLE HOUSING**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the availability of affordable housing is critical to the retention of young workers on Long Island and the continued viability of our local economy.

This Legislature also finds that the County of Suffolk has made the creation of affordable housing for first time homebuyers a top priority.

This Legislature further finds and determines that one of the key components of the County's Affordable/Workforce Housing Program is the transfer of vacant County-owned parcels to towns and villages for the express purpose of constructing housing that meets affordable housing guidelines.

This Legislature finds that when the County transfers land to other municipalities pursuant to Section 72-h of NEW YORK GENERAL MUNICIPAL LAW, it foregoes potential revenues that could be generated from an auction sale of the properties. The County also does not require municipalities to pay back taxes as a condition for § 72-h transfers.

This Legislature determines that the public policy benefits of creating affordable housing outweighs the loss of revenues associated with § 72-h transfers.

This Legislature also finds that the rationale underlying the County's § 72-h transfer program is undermined when receiving municipalities do not actually create housing on the conveyed parcels.

This Legislature further finds that at least one municipality that has received land from the County pursuant to § 72-h of NEW YORK GENERAL MUNICIPAL LAW has not constructed affordable housing on transferred parcels; rather, this municipality has removed the development rights from transferred parcels for the ostensible purpose of utilizing the development rights to create housing at another location within their jurisdiction.

This Legislature also determines that the practice described in the preceding paragraph is not consistent with the intent underlying the County's § 72-h transfer program, and, in fact, this practice has the potential to undermine public and legislative support for the County's Affordable Housing Program.

Therefore, the purpose of this local law is to require the construction of affordable housing on parcels that are the subject of a § 72-h conveyance and to bar the transfer of development rights from said parcels unless the transfer is explicitly authorized by legislative resolution.

Section 2. Amendments.

ARTICLE 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XXXVI AFFORDABLE HOUSING

* * * *

§ A36-2. Suffolk County housing opportunities programs.

B. New York State General Municipal Law § 72-h transfer program.

* * * *

(5) Conditions of County transfer:

* * * *

(c). When a vacant parcel is transferred by the County under § 72-h of New York General Municipal Law, the cooperating municipality shall, as a condition precedent to the receipt of a deed of conveyance of such parcel, agree in writing that affordable housing shall be constructed on the conveyed parcel. The cooperating municipality shall not be permitted to transfer the development rights from the conveyed parcel for the purpose of facilitating the construction of affordable housing at another location within the municipality unless explicitly authorized to do so by a duly enacted resolution of the County of Suffolk.

* * * *

Section 3. Applicability.

This law shall apply to parcels conveyed pursuant to Section 72-h of NEW YORK GENERAL MUNICIPAL LAW on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, 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 thereof, 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, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. 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 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: