

**STRICKEN END OF YEAR**

Intro. Res. No. 1867-2009

Laid on Table 10/13/2009

Introduced by Legislators Schneiderman and Browning

**RESOLUTION NO.                   -2009, ADOPTING LOCAL LAW  
NO.                               -2009, A LOCAL LAW TO EXPEDITE  
CONSTRUCTION OF 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 EXPEDITE CONSTRUCTION OF 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 EXPEDITE CONSTRUCTION OF 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 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 also finds that the rationale underlying the County's § 72-h transfer program is undermined when receiving municipalities do not create housing on conveyed parcels in a timely manner.

This Legislature further finds that under existing law construction of housing on conveyed parcels must be completed within three years of transfer but the Director of Affordable Housing is authorized to grant 2 two-year extensions for good cause.

This Legislature finds that a seven-year window of opportunity to construct housing on parcels that are conveyed pursuant to § 72-h is simply too long and that towns, villages, and prospective builders must be required to move quickly to create needed housing.

Therefore, the purpose of this local law is to authorize the Director of Affordable Housing to grant a single two-year extension for construction of affordable housing and thereby expedite the construction of necessary housing.

**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.

\* \* \* \*

(2) Deed restrictions.

(a) Parcels transferred pursuant to this section shall be to a first-time homebuyer and shall contain deed restrictions as follows:

[1] For owner-occupied housing:

\* \* \* \*

[d] Construction must be completed and the housing occupied by eligible purchasers within three years of transfer unless an extension of time is granted in writing by the Director after good cause is shown. Said extension shall not exceed [two] one two-year extension[s] unless approved by duly enacted resolution.

\* \* \* \*

[2] For rental housing:

\* \* \* \*

[d] Construction must be completed and the housing occupied by eligible tenants within three years of transfer unless an extension of time is granted in writing by the Director after good cause is shown. Said extension shall not exceed [two] one two-year extension[s] unless approved by duly enacted resolution; and

\* \* \* \*

**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: