

**STRICKEN END OF YEAR**  
**AMENDED COPY AS OF 11/9/2009**

Intro. Res. No. 1900-2009

Laid on Table 10/13/2009

Introduced by Legislators Schneiderman and Romaine

**RESOLUTION NO.                   -2009, ADOPTING LOCAL LAW  
NO.           -2009, A LOCAL LAW TO REALLOCATE HOTEL AND  
MOTEL TAX REVENUES TO ENHANCE TOURISM  
PROMOTION IN THE PECONIC REGION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 13, 2009, a proposed local law entitled, "**A LOCAL LAW TO REALLOCATE HOTEL AND MOTEL TAX REVENUES TO ENHANCE TOURISM PROMOTION IN THE PECONIC REGION**"; 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 REALLOCATE HOTEL AND MOTEL TAX  
REVENUES TO ENHANCE TOURISM PROMOTION IN THE  
PECONIC REGION**

**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 Suffolk County recently reauthorized the County's hotel tax, increasing it from three-quarters of one percent (0.75%) to three percent (3%).

This Legislature also finds and determines that up \$2 million of the revenue from this tax will go to a tourism promotion agency.

This Legislature further finds and determines that Suffolk County currently contracts with the Long Island Convention and Visitors Bureau to provide regional tourism promotion as required under the law.

This Legislature determines that the Peconic Region of Suffolk County – the Towns of Riverhead, Southold, Shelter Island, Southampton and East Hampton – is home to many open spaces, historic landmarks and other tourist attractions. Greenport Village and the farms and wineries located on the North Fork are major tourist attractions. The Hamptons attract visitors from around the world. Montauk's beaches and parklands are home to some of the finest fishing in the nation.

This Legislature finds that the Peconic Region's tourism is largely seasonal and yet it accounts for 36% of the County's Hotel and Motel Tax Revenues.

This Legislature also finds that while regional tourism promotion draws many visitors to the largest attractions in Suffolk County, it lacks the specialized knowledge of the Peconic region to know best how to promote its attractions.

This Legislature finds that the East End Tourism Alliance was established as a not-for-profit tourism promotion agency for the Peconic region.

Therefore, the purpose of this law is to require any tourism promotion agency that Suffolk County contracts with to distribute a portion of their funding to the East End Tourism Alliance for the purpose of promoting tourism in this vital area.

**Section 2. Amendments.**

Chapter 327 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 327. HOTELS AND MOTELS**

\*\*\*\*

**Article II. Hotel and Motel Tax**

\*\*\*\*\*

**§ 327- 8. Definitions.**

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

HOTEL or MOTEL -- Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed-and-breakfast", inns, cabins, cottages, campgrounds, tourist homes and convention centers.

OPERATOR -- Any person operating a hotel or motel in the County of Suffolk, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

PECONIC REGION -- The Towns of Riverhead, Southold, Shelter Island, Southampton and East Hampton.

PERMANENT RESIDENT -- A person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.

SUFFOLK SPECIALTY FUND -- The portion of contract funding utilized by the tourism promotion agency solely to promote tourism within Suffolk County as a result of a funding disparity between Suffolk County and Nassau County.

\*\*\*\*

**§ 327-13. Tourism promotion agency.**

- A. The County of Suffolk shall enter into a contract, as mandated by Tax Law § 1202-o(5), with a tourism promotion agency to administer programs designed to

develop, encourage, solicit and promote convention business and tourism within the County of Suffolk. The promotion of convention business and tourism shall include any service, function or activity, whether or not performed, sponsored or advertised by the tourism promotion agency with the intent to attract transient guests to the County. The County Executive, or his designated representative, is hereby authorized to negotiate and enter into such a contract. No such contract shall be executed without the prior approval of the Legislature.

\*\*\*\*

- (6) Such contract shall provide that the tourism promotion agency shall annually allocate and distribute monies to the East End Tourism Alliance for the purpose of promoting tourism in the Peconic region. The East End Tourism Alliance shall receive a proportionate share of the Suffolk County Specialty Fund based on the percentage of hotel/motel tax revenue generated in the Peconic region in relation to Suffolk County as a whole in the previous calendar year, as reported by the Suffolk County Treasurer. The tourism promotion agency shall make payments to the East End Tourism Alliance on a quarterly basis and all monies paid to the East End Tourism Alliance shall be used to promote tourism within the Peconic region generally and shall not be used to direct visitors to any particular business.
  
- (7) The East End Tourism Alliance will provide a yearly marketing budget and tourism promotion plan to the Suffolk County Legislature and the tourism promotion agency which clearly delineates how the moneys received under such contract shall be utilized. The marketing budget and tourism promotion plan shall also provide that all advertising activities or promotions paid for, in part or in whole, with Suffolk County hotel/motel tax revenues shall be used to promote tourism within the Peconic Region and shall not direct visitors to any particular business.

\*\*\*\*

**Section 3. Applicability.**

This law shall apply to all contracts entered into between the County and tourism promotion agencies 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: