

Introduced by Legislators Browning, Eddington, Romaine, Gregory and Cooper

**RESOLUTION NO. 433 -2010, ADOPTING LOCAL LAW
NO. 25 -2010, A LOCAL LAW TO STRENGTHEN THE
COUNTY'S CRACK HOUSE STATUTE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 23, 2010, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE COUNTY'S CRACK HOUSE STATUTE**"; now, therefore be it

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

LOCAL LAW NO. 25 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN THE COUNTY'S CRACK
HOUSE STATUTE**

**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 enacted Local Law No. 2-1989 to stop the proliferation of crack houses and other serious public nuisances.

This Legislature also finds that pursuant to this "Crack House Law", Suffolk County issues notices to property owners requiring them to stop certain prohibited activities occurring on their property. If two instances of prohibited conduct occur at a location within a two year period, and the property owner fails to take necessary corrective action, the County can seek civil penalties, eviction and other remedies through a civil action.

This Legislature also finds that the Crack House Law would protect our communities more effectively if the above-described two year period was extended to three years; i.e., if two incidents of prohibited activity occurred at a location within a three year period, the County could issue a final notice to a property owner and thereafter initiate a civil action if the owner failed to take necessary remedial action.

Therefore, the purpose of this law is to establish a new three year framework for enforcing the County's Crack House statute.

Section 2. Amendments.

Chapter 270 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 270. DRUG PARAPHENALIA AND PREMISES

Article II. Crack Houses.

§ 270-7. Definitions.

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

NOTICE -- The following:

- A. First notice that prohibited conduct has occurred shall be given to an owner and mortgage holder(s) of the affected real estate by means of registered mail, return receipt requested. Where there are multiple owners, said notice shall be sent to at least one of the owner's addresses as recorded with the Suffolk County Clerk. If for any reason the return receipt is not received by the County of Suffolk, then the notice requirement shall be fulfilled by affixing the notice to the door of at least one of the owners of the premises address as recorded with the Suffolk County Clerk, affixing the notice to the door of the affected property and by mailing said notice to the aforesaid addresses. The notice must contain a statement of the date or dates upon which prohibited conduct took place on the property, the nature of the prohibited conduct and a listing of all conduct or occurrences that are considered prohibited conduct under this article. It must inform the owner of his obligation to cause the prohibited conduct to cease and advise the owner that upon the further occurrence of any prohibited conduct, action pursuant to this Nuisance Abatement Law will be commenced by the County of Suffolk.

- B. Final notice shall be sent to an owner and mortgage holder(s) when there is a further occurrence of prohibited conduct within [two] three years of the first notice being given to an owner and mortgage holder(s). The final notice must be sent by the authorized methods for a first notice and must contain the same information as contained in the first notice. It must further inform an owner of the further occurrence of prohibited conduct and inform an owner that he or she is required within five days to cause the prohibited conduct to cease and if necessary to make an application to a court of appropriate jurisdiction to accomplish the abatement of the prohibited conduct by any and all nonowner occupants. The notice must further state that if an owner does not take such action within five days of the final notice, or does not in good faith diligently pursue any necessary litigation, the County of Suffolk, pursuant to the provisions of this article, will bring necessary proceedings for any remedies set forth in this article as though the County were the owner of the premises.

PUBLIC NUISANCE -- Any building, residence, premises or place where an owner thereof has been given first notice that prohibited conduct has occurred therein or thereon and within a period of [two] three years after said first notice has been given there is an additional occurrence of any prohibited conduct therein or thereon.

§ 270-8. Suffolk County governmental determinations.

A. The Suffolk County Police Department must report to the Department the address of any home at which an arrest for prohibited conduct has occurred within thirty (30) days of its occurrence.

[A] B. Upon the request of the Suffolk County Legislature, the Suffolk County Executive, the Suffolk County District Attorney, the head of any Suffolk County Department or agency or any village or town Police Department or upon its own initiative, the Department is authorized to send notice that prohibited conduct has occurred. Any town or village government which formally enacts a resolution of authorization may assign personnel, manpower or other town or village resources to the County of Suffolk on a voluntary basis without compensation for joint action with the County of Suffolk in carrying out and enforcing the provisions of this Article. Any such joint action shall be coordinated, supervised and controlled by the County of Suffolk.

[B] C. After first notice has been sent, the Suffolk County Legislature, the Suffolk County Executive, the Suffolk County District Attorney, the Suffolk County Police Department, any town or village Police Department or the head of any Suffolk County department or agency shall inform the Department of the recurrence of prohibited conduct at the affected property. Thereafter, the Department shall send final notice to an owner of the affected premises. If no corrective measures are diligently pursued by the owner(s) within the five-day time period provided therein, the Department is authorized to bring and maintain a civil action or proceeding in the name of the County of Suffolk in any court of appropriate jurisdiction to seek remedies as hereinafter provided. Any town or village government which formally enacts a resolution of authorization may assign personnel, manpower or other town or village resources to the County of Suffolk on a voluntary basis without compensation for joint action with the County of Suffolk in carrying out and enforcing the provisions of this Article. Any such joint action shall be coordinated, supervised and controlled by the County of Suffolk.

D. The Department shall send notices to the owners and mortgage holders of affected real property no later than 30 days after the Department receives notification from the Suffolk County Police Department or a town or village police department that prohibited conduct has occurred thereon. The Department shall file a copy of all notices it issues with the Clerk of the County Legislature no later than 30 days after their issuance.

Section 3. Applicability.

This law shall apply to all actions occurring 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: May 11, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 9, 2010

After a public hearing duly held on May 25, 2010
Filed with the Secretary of State on June 23, 2010