

Intro. Res. No. 1410-2010  
Introduced by Legislators Browning and Muratore

Laid on Table 4/27/2010

**RESOLUTION NO. 573 -2010, ADOPTING LOCAL LAW  
NO. 32 -2010, A LOCAL LAW REQUIRING BROADER  
DISSEMINATION OF AUCTION INFORMATION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010, a proposed local law entitled, "**A LOCAL LAW REQUIRING BROADER DISSEMINATION OF AUCTION INFORMATION**"; now, therefore be it

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

**LOCAL LAW NO. 32 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW REQUIRING BROADER DISSEMINATION OF  
AUCTION INFORMATION**

**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 pursuant to the SUFFOLK COUNTY TAX ACT, Suffolk County takes title to properties when their owners fail to pay property taxes.

This Legislature also finds and determines that a large number of these parcels are subsequently sold by the County at public auction.

This Legislature hereby determines that County Legislators, as the elected representatives closest to the people, have detailed knowledge of their communities and an understanding of how the auction sale of a parcel might impact a neighborhood in their district.

This Legislature also finds that members of the County Legislature should receive notification of the parcels to be included in an auction so they can take corrective action, if necessary, to maintain public ownership of specific parcels.

Therefore, the purpose of this law is to require that the Division of Real Property Acquisition and Management notify the County Legislature when parcels are acquired under the SUFFOLK COUNTY TAX ACT and when they are scheduled to be auctioned.

**Section 2. Amendments.**

Article XLII of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XLII, DEPARTMENT OF ENVIRONMENT AND ENERGY**

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**§A42-4. Disposition of property acquired through Suffolk County Tax Act.**

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D. Upon the County acquiring an interest in real property by tax deed, the Commissioner shall advise the County Executive; the Commissioner of Public Works; the Commissioner of Parks, Recreation and Conservation; the Commissioner of the Department of Economic Development and Workforce Housing, the Clerk of the County Legislature, and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a County purpose, together with the reasons for such proposed retention.

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G. Public auction. All parcels approved for disposition, except those that may be sold as provided in Subsection H or as provided under § A36-2A of the Suffolk County Administrative Code, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Commissioner. All parcels approved for disposition, which have structures affixed thereto capable of physical occupancy by individuals, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the owner of the parcel, or his or her natural children or natural parents, to occupy said premises, said restriction to run with the land for a period of 10 years subsequent to the transfer of title from the County of Suffolk. The owner of the parcel shall provide to the County written notice of any subsequent transfer of the parcel within said ten-year period. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Subsections A and B of this section, then the Commissioner, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public action in accordance with the provisions of this article at the earliest possible date.

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(4) The Director of the Division of Real Property Acquisition and Management shall provide to each member of the Suffolk County Legislature a list of all parcels to be auctioned at least forty-five (45) days prior to the auction date. The Director shall notify legislators of any parcels added to the auction list prior to the auction date. The auction list must be complete fifteen (15) days prior to the auction date and no additional parcels may be added to the auction list after that time.

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**Section 3. Applicability.**

This law shall apply to 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: June 8, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: July 2, 2010

After a public hearing duly held on June 21, 2010  
Filed with the Secretary of State on July 22, 2010