

STRICKEN AS OF 2/3/2011

Intro. Res. No. 1838-2010
Introduced by Legislator Schneiderman

Laid on Table 8/3/2010

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO ENSURE FAIRNESS IN
THE COUNTY'S DISPOSITION OF PROPERTY ACQUIRED
UNDER THE SUFFOLK COUNTY TAX ACT**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, "**A LOCAL LAW TO ENSURE FAIRNESS IN THE COUNTY'S DISPOSITION OF PROPERTY ACQUIRED UNDER THE SUFFOLK COUNTY TAX ACT**"; now, therefore, be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE FAIRNESS IN THE COUNTY'S
DISPOSITION OF PROPERTY ACQUIRED UNDER THE
SUFFOLK COUNTY TAX ACT**

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 Suffolk County Tax Act authorizes the County to foreclose on properties for failure to pay County property taxes.

This Legislature also finds and determines that the County frequently offers such foreclosed properties for sale at auction.

This Legislature further finds and determines that §A42-4 of the SUFFOLK COUNTY ADMINISTRATIVE CODE authorizes the prior owner of an owner-occupied residence foreclosed upon by the County to apply for a distribution of the proceeds of the auction sale of their former property.

This Legislature finds that no similar distribution provisions exist for prior owners of foreclosed vacant, commercial, or rental properties.

This Legislature determines that it is fundamentally unfair to provide a system for the distribution of auction proceeds to certain prior owners, but not others.

Therefore, the purpose of this law is to establish a system by which proceeds from the auction sale of any foreclosed property may be distributed to the property's prior owner.

Section 2. Amendments.

Article 42 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article XLII, DEPARTMENT OF ENVIRONMENT AND ENERGY

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

- L. [In the event that an auction parcel is improved by a owner-occupied residence which has been owner-occupied for a period of at least five years prior to the date of the recording of the County's deed, then t] The prior owner of an auction parcel may make an application in writing to the County Division of Real Property Acquisition and Management in the Department for a distribution from the proceeds of the auction sale. The amount that the applicant is eligible to receive is a sum equal to the remaining proceeds after deducting payment for all sums set forth in §A42-3 hereinabove and an amount equal to the sum of all valid liens, judgments or encumbrances which existed on the date that the County took title to the subject parcel. For the purposes of this subsection, "proceeds" shall be defined as either the amount of the sale at auction or the amount of an appraisal made as of the date which the County took title, whichever amount is less.

Section 3. Applicability.

This law shall apply to all properties obtained through the Suffolk County Tax Act that are set for auction 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 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: