

WITHDRAWN AS OF 2/25/2011
AMENDED COPY AS OF 2/1/2011

Intro. Res. No. 2279-2010
Introduced by Legislator Romaine

Laid on Table 12/21/2010

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO ENHANCE ARTICLE XXXVI
OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD
A LOCAL PREFERENCE TO BENEFIT VICTIMS OF NATURAL
DISASTERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on December 21, 2010, a proposed local law entitled, "**A LOCAL LAW TO ENHANCE ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL PREFERENCE TO BENEFIT VICTIMS OF NATURAL DISASTERS**" 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 ENHANCE ARTICLE XXXVI OF THE SUFFOLK
COUNTY ADMINISTRATIVE CODE TO ADD A LOCAL
PREFERENCE TO BENEFIT VICTIMS OF NATURAL DISASTERS**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that natural disasters can have devastating effects on communities.

This Legislature further finds that natural disasters often destroy homes and the personal property therein.

This Legislature finds that it is often a struggle for people whose homes are destroyed by a natural disaster to find suitable replacement housing.

This Legislature determines that Suffolk County residents witnessed the devastating effect of a natural disaster when high water destroyed a number of homes in the Riverhead area in 2009.

This Legislature also finds that Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE establishes a program which helps first time homebuyers purchase affordable homes.

This Legislature further finds that the County and participating municipalities have established preferences in the housing opportunities program.

This Legislature also determines that Suffolk County should establish a preference for persons who have lost their homes to a natural disaster.

Therefore, the purpose of this law is to amend the County's housing opportunities program to provide a preference for persons whose homes have been destroyed by natural disasters.

Section 2. Amendments.

Article XXXVI 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.

(1) Designated uninhabitable improved parcels and vacant parcels shall be transferred by the County to participating municipalities for nominal consideration and shall be constructed and/or reconstructed for affordable housing purposes. These parcels shall be subject to covenants and restrictions requiring cooperating municipalities to transfer these parcels to eligible individuals whose income does not exceed 80% of the HUD-established limits for the Nassau-Suffolk PMSA adjusted by family size, unless the Director, subject to legislative approval, issues a waiver and authorizes the transfer to eligible individuals whose income do not exceed 120% of the HUD established limits. Units constructed and/or reconstructed on a parcel transferred pursuant to this Subsection B, and sold or rented subject to a hierarchy of local preferences established by the municipality, shall be constructed and/or reconstructed, as the case may be, using design and construction features in compliance with § A36-3 of this article, and shall be made available to:

(a). persons whose primary residence was made uninhabitable by a natural disaster, as declared by federal, State or County government.

(b) military veterans pursuant to such local preference who served during expeditionary service in a theater of conflict in Iraq or Afghanistan, as verified by the Director of the Suffolk County Veterans Agency, which credentials shall qualify such persons as first-time home buyers as defined in this article, subject to the following:

[1] [(a)] The Director of the Suffolk County Veterans Service Agency shall verify to the participating municipality that an applicant possesses a Form DD-214 to verify honorable service and one or more of the following awards/medals in order to qualify under this article:

- [a] [(i)] Afghanistan Campaign Medal;
- [b] [(ii)] Iraq Campaign Medal;
- [c] [(iii)] Global War on Terrorism Expeditionary Medal;
- [d] [(iv)] Navy Expeditionary Medal (Iraq or Afghanistan);
- [e] [(v)] Marine Corps Expeditionary Medal (Iraq or Afghanistan);
- [f] [(vi)] Combat Action Ribbon;
- [g] [(vii)] Combat Action Badge;
- [h] [(viii)] Combat Medical Badge;
- [i] [(ix)] Purple Heart Medal; and
- [ii] [(x)] Silver Star Medal

(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:

- [a] Property must remain the principal residence of owner for a period of at least five years.
- [b] Income of first-time homebuyer must not exceed 80% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size or, in the case where a waiver has been issued by the Director as authorized under § A36-2(B)(1), income must not exceed 120% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size, except that the income of persons qualifying as victims of a natural disaster shall not exceed 200% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size;

[2] For rental housing:

- [a] Income of purchaser must not exceed 80% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size or, in the case where a waiver has been issued by the Director as authorized under § A36-2(B)(1), income must not exceed 120% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size, except that the income of persons qualifying as victims of a natural disaster shall not exceed 200% of the HUD established median income limits for the Nassau-Suffolk PMSA adjusted by family size;

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 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: