Intro. Res. No. 1555-2011 Laid on Table 6/7/2011
Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Schneiderman, Muratore, Viloria-Fisher, Gregory

RESOLUTION NO. 563 -2011, ADOPTING LOCAL LAW NO. 28 -2011, A LOCAL LAW FURTHER EXTENDING FIRST TIME HOMEOWNER COUNTY PROPERTY TAX EXEMPTION

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 7, 2011, a proposed local law entitled, "**A LOCAL LAW FURTHER EXTENDING FIRST TIME HOMEOWNER COUNTY PROPERTY TAX EXEMPTION**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 28 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW FURTHER EXTENDING FIRST TIME HOMEOWNER COUNTY PROPERTY TAX EXEMPTION

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 New York Real Property Tax Law § 457, the County of Suffolk has offered a partial real property tax exemption for first time homeowners based on income in order to create a positive climate for economic growth and attracting future homeowners.

This Legislature further finds that the New York State Legislature recently amended New York Real Property Tax Law § 457 to allow local municipalities the option to extend the date at which a contract of sale must be signed by first time homeowners to be eligible for the program and to obtain the tax exemption.

Therefore, the purpose of this law is to reinstitute the local first time homeowner County property tax exemption in accordance with State law.

Section 2. Amendment.

Section 458-35 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

CHAPTER 458, TAXATION

* * * *

ARTICLE XIII
Exemption for First-Time Homeowners

* * * *

§ 458-35. Applicability to newly constructed property; cutoff date for exemption.

* * * *

B. No exemption shall be allowed pursuant to this article for any newly constructed primary residential property purchased by a first-time homebuyer on or after December 31, [2010] 2016, unless such purchase is pursuant to a binding written contract entered into prior to December 31, [2010] 2016; provided, however, that any first-time homebuyer who is allowed an exemption pursuant to this article prior to such date shall continue to be allowed further exemptions pursuant to § 458-33 of this article.

Section 3. Applicability.

This law shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2012.

Section 4. Filing.

The Clerk of the Suffolk County Legislature is hereby directed to file a copy of this law with the State Board of Real Property Services and the ten (10) town assessors who prepare the assessment roll on which the taxes of this County are levied.

Section 5. 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 6. 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) and (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 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of language
__ Underlining denotes addition of new language

DATED: June 21, 2011

APPROVED BY:

County Executive of Suffolk County

Date: JUL 0 6 2011

After a public hearing duly held on July 6, 2011
Filed with the Secretary of State on July 28, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 21, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

C/N

Intro. Res. 1555 Res. No. 563 June 21, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess

APPROVED X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature