

STRICKEN END OF YEAR 2011

Intro. Res. No. 1556-2011

Laid on Table 6/7/2011

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW IN RELATION TO
DISPOSITION OF AUCTION PROPERTIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on -2011, a proposed local law entitled, "**A LOCAL LAW IN RELATION TO DISPOSITION OF AUCTION PROPERTIES**;" 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 IN RELATION TO DISPOSITION OF AUCTION
PROPERTIES**

**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 disposes of many properties acquired through the provision of the SUFFOLK COUNTY TAX ACT by public auction.

This Legislature further determines that Local law No. 13-1990 imposed a requirement that the auction of parcels with habitable structures be limited to those persons who agreed to occupy the premises for a period of at least 10 years. This requirement was intended to discourage speculators, encourage home ownership and strengthen neighborhoods throughout Suffolk County. However, this requirement has proven to have an adverse effect on auction sales.

This Legislature also finds that sales have been stymied by a 10 year restriction, and that the public in general is discouraged from entering an agreement of such an onerous length of time. The present state of economy and the housing market further weakens the value of said agreement. Parcels subject to said agreement which are not bid upon impose further financial and community hardship while they await a future auction date. Those not sold at the October 2010 auction for example, will cost the County of Suffolk \$30,000 in additional real estate tax and an undetermined cost for maintenance before the opportunity for sale at another auction. Furthermore said 10 year restriction is in excess of the 5 year restriction imposed in the Affordable Housing Program.

This Legislature finds that it is necessary to remove the owner occupancy requirement for auctioned properties after two attempts to sell at auction in order to better achieve the return of surplus properties to the tax roles and relieve the County of the extra expense of maintaining said parcels.

Therefore, the purpose of this law is to remove the ten year occupancy restriction on these parcels which have been on for two or more auctions so as to encourage sales, reduction of Suffolk County surplus inventory and as a cost saving initiative.

Section 2. Amendments.

Section A42-4 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

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

* * * *

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 ten (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 (10) year period. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. However if any parcel covered under this section (structures capable of physical occupancy) has failed to close after two public auctions this restriction shall be lifted at all future auctions. 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.

(1) The Director of the Division of Real Property Acquisition and Management in the Department shall take such measures as shall be necessary and appropriate to ensure that the transfer of title for sale of such parcels shall take place within two years after the signing of the contract of sale for such parcels.

(2) If the transfer of title for sale of such parcels shall not take place within two years after the signing of the contract of sale, then the Director of the Division of Real Property Acquisition and Management in the Department shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Recreation Committee of the County Legislature, or any successor committees thereto, in order to continue the transfer process.

(3) The Director of the Division of Real Property Acquisition and Management in the Department shall lower the upset price for the public auction of such County-owned real estate parcels approved for such disposition as many times as shall be necessary and appropriate to effectuate the sale of such parcel at the third public auction if such parcel has been unsuccessfully listed at public auction two prior times.

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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: