Intro. Res. No. 1810-2011 Laid on Table 9/15/2011
Introduced by Legislators Browning and Stern

RESOLUTION NO. 914 -2011, ADOPTING LOCAL LAW NO. 10 -2012, A LOCAL LAW TO ADDRESS IMPROVED PROPERTIES AND INCREASE AFFORDABLE HOUSING IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 15, 2011, a proposed local law entitled, "**A LOCAL LAW TO ADDRESS IMPROVED PROPERTIES AND INCREASE AFFORDABLE HOUSING IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 10 -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ADDRESS IMPROVED PROPERITIES AND INCREASE AFFORDABLE HOUSING IN SUFFOLK COUNTY

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 provisions of the SUFFOLK COUNTY TAX ACT by public auction.

This Legislature also finds and determines that the purchasers of auction parcels with habitable structures must agree to a restrictive covenant which requires the parcel to be owner occupied for at least ten years. This requirement is intended to encourage homeownership and strengthen neighborhoods throughout the County while discouraging speculation.

This Legislature further finds and determines that some parcels with habitable structures languish in the County's inventory, as prospective purchasers are discouraged by the ten-year owner occupancy requirement.

This Legislature finds that habitable parcels could be put to good use through the County's 72-h program, which transfers parcels to participating municipalities for affordable housing purposes.

This Legislature determines that transferring habitable parcels to municipalities will ensure the speedy return of these properties to the tax rolls while protecting communities against speculators.

Therefore, the purpose of this law is to authorize the transfer of habitable parcels to municipalities participating in the County's 72-h transfer program.

Section 2. Amendments.

Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XXXVI. Affordable Housing.

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§ A36-2. Suffolk County housing opportunities programs.

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B. New York State General Municipal Law § 72-h transfer program.

(1) Designated habitable improved parcels, 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 does not exceed 120% of the HUD-established limits. Municipalities accepting habitable improved parcels shall reimburse the County for all back taxes and the applicable charges due and owing on such parcels at the time of transfer. 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 participating 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[,]. Parcels transferred pursuant to this subsection B [and] shall be made available to 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 person as first-time homebuyers as defined in this article subject to the following:

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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: November 22, 2011

APPROVED BY: VETOED

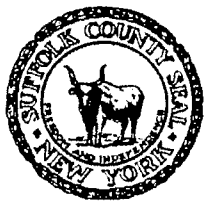
County Executive of Suffolk County

Date: 12-22-11

VETO OVERRIDE ADOPTED ON FEBRUARY 7, 2012

After a public hearing duly held on December 7, 2011
Filed with the Secretary of State on February 23, 2012

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 21, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION NO. 914 – 2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO ADDRESS IMPROVED PROPERTIES AND INCREASE AFFORDABLE HOUSING IN SUFFOLK COUNTY

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 914 – 2011, ADOPTING LOCAL LAW NO. -2011, A LOCAL LAW TO ADDRESS IMPROVED PROPERTIES AND INCREASE AFFORDABLE HOUSING IN SUFFOLK COUNTY;** vetoed in its entirety.

I'm vetoing this resolution because future revenue will be lost. The current County policy requires habitable properties to be offered for sale at public auction to the highest bidder. This bill for the first time would require even habitable parcels to be taken off the auction block. Uninhabitable properties are offered to towns for affordable housing purposes for $1.00. Each time this happens, the County forgoes recouping any outstanding county investment that has amassed due to real property taxes, costs of maintenance and upkeep. Not only is the past County investment waived, any future potential revenue that could be realized though auction is eliminated as well.

To illustrate, in the past auction held in November, there were four habitable properties which were sold to successful bidders for more than their county investment, they were:

27 Shady Lane, Coram	County investment $34,437.15	Sale Price $ 57,000
75 Alcolade Drive East, Shirley	County investment $59,162.39	Sale Price $ 68,000
58 E. 17th Street, Huntington Stat.	County investment $54,375.34	Sale Price $ 100,000
15 Derby Avenue, Huntington	County investment $30, 166.47	Sale Price $48,000

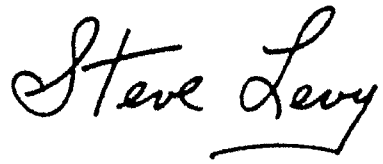
The net gain of revenue realized to the County was $ 94,858.65

This resolution would limit potential revenue to *no more than* the back taxes, rather than provide an opportunity to maximize county resources to increase revenue and recoup the county's investment in maintenance.

The Legislature's intent clause contradicts itself. It first cites the difficulty we are having selling properties because of the 10 year occupancy rule. However it was the Legislature's recent legislation which increased the occupancy to ten years that created this problem. Rather than lowering the period to the original and more practical 5 years of occupancy, the Legislature is now giving the property away. The former system recycled these properties more regularly while reimbursing the county for its maintenance.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy
County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Connie Corso, Budget Director
Eric Kopp, Deputy County Executive
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

Intro. Res. 1810 Res. No. 914 November 22, 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	17	1	—	—	—

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

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 February 7, 2012 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

Intro. Res. 1810 Veto Override Res. No. 914

February 7, 2012

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

MOTION

____Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
X 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