

**RESOLUTION NO. 1043 -2011, ADOPTING LOCAL LAW  
NO. 4 -2012, A LOCAL LAW TO EXPAND THE HARDSHIP  
CRITERIA FOR REAL PROPERTY REDEMPTIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 11, 2011, a proposed local law entitled, "**A LOCAL LAW TO EXPAND THE HARDSHIP CRITERIA FOR REAL PROPERTY REDEMPTIONS;**" now, therefore be it

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

**LOCAL LAW NO. 4 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO EXPAND THE HARDSHIP CRITERIA FOR REAL  
PROPERTY REDEMPTIONS**

**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 is authorized to take real property for unpaid taxes pursuant to the SUFFOLK COUNTY TAX ACT.

This Legislature also finds and determines that pursuant to Chapter 27 of the SUFFOLK COUNTY CODE, former owners of tax foreclosed properties who fail to redeem their properties within six months of the recording of the County tax deed must demonstrate a specified hardship in order to qualify for redemption.

This Legislature also determines that the non-payment of taxes due to the illness of an applicant or a member of the applicant's immediate family is sufficient grounds for granting a redemption.

This Legislature determines that currently, the definition of "immediate family" in Chapter 27 includes the applicant's spouse, parents or children.

This Legislature also finds that this definition is unduly limiting given the frequency with which multiple generations of a family reside in one home and support one another financially during difficult economic times and in periods of serious illness.

This Legislature further finds that the definition of "immediate family" in the redemption statute should be broadened to include grandchildren residing with and receiving monetary support from their applicant grandparent.

Therefore, the purpose of this law is to amend Chapter 27 of the SUFFOLK COUNTY CODE to broaden the definition of "immediate family" to include grandchildren residing with and receiving monetary support from a grandparent seeking redemption of their property due to the grandchild's illness.

**Section 2. Amendments.**

Chapter 27 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 27, CONVEYANCE OF REAL PROPERTY**

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**§ 27-2. Definitions.**

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IMMEDIATE FAMILY -- Spouse, issue, [or] parent, or a grandchild residing with and receiving monetary support from the applicant. "Issue" shall include adopted children.

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**Section 3. Applicability.**

This law shall apply to all applications submitted 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.

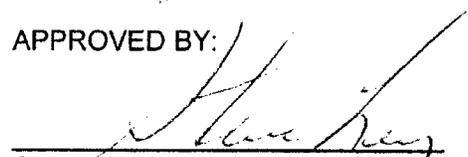
**Section 6. Effective Date.**

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: December 6, 2011

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **DEC 2 2 2011**

After a public hearing duly held on December 21, 2011  
Filed with the Secretary of State on February 17, 2012

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 December 6, 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*

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Clerk of the Legislature

Intro. Res. 1897

Res. No. 1043

December 6, 2011

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

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

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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**

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  FAILED \_\_\_

No Motion \_\_\_ No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED

\_\_\_ NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote