

**RESOLUTION NO. 1118 -2011, ADOPTING LOCAL LAW
NO. -2011, A LOCAL LAW TO FACILITATE EMERGENCY
HOUSING OF SEX OFFENDERS IN NON-RESIDENTIAL
AREAS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO FACILITATE EMERGENCY HOUSING OF SEX OFFENDERS IN NON-RESIDENTIAL AREAS**"; 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 FACILITATE EMERGENCY HOUSING OF
SEX OFFENDERS IN NON-RESIDENTIAL AREAS**

**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, acting through its Department of Social Services, is obligated to find housing for homeless persons, including sex offenders.

This Legislature also finds that the Department of Social Services has been housing homeless sex offenders in two trailers located in Riverhead and Westhampton for several years.

This Legislature determined in Resolution No. 417-2010 that the County's sex offender housing policy was flawed on several grounds: that it was inequitable to house all sex offenders in two communities; that the condition of the trailers invited litigation; and that the County incurred huge costs transporting sex offenders to and from the trailers.

This Legislature further finds that Resolution No. 417-2010, as amended by Resolution No. 935-2010, directed the Department of Social Services to develop a new program to provide emergency housing for homeless sex offenders that was equitable, cost effective and provided oversight of sex offenders.

This Legislature also finds that Resolution No. 417-2010 directed the Department of Social Services to seek shelter providers to provide emergency housing for homeless sex offenders. Resolution No. 417-2010 also provided that no more than one shelter would be sited in any town or legislative district and that no more than six (6) sex offenders should be housed in any one shelter. Further, Resolution No. 417-2010 provided that, to the greatest extent practicable, these shelters be sited in non-residential areas.

This Legislature finds that Chapter 438 of the SUFFOLK COUNTY CODE requires that all congregate emergency shelters comply with local zoning ordinances. This

provision may have the undesirable effect of blocking the placement of sex offender shelters in non-residential areas.

Therefore, the purpose of this law is amend Chapter 438 of the SUFFOLK COUNTY CODE to facilitate the siting of emergency housing shelters for sex offenders in commercial, non-residential settings. Additionally, this law authorizes the Department of Social Services to indemnify shelter providers for expenses incurred defending legal actions that challenge the siting and operation of shelters.

Section 2. Amendments.

I. Chapter 438 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 438, Emergency Shelters

ARTICLE I, Congregate Emergency Shelters

§ 438-3. Site procedure.

* * * *

D. A congregate emergency shelter shall comply with local zoning and building codes where required by applicable law, subject to the provisions of § 438.8 of this article. This provision shall not apply to emergency shelters established to house sex offenders pursuant to Suffolk County Resolution No. 417-2010; however, such shelters shall comply with all federal and state residency restrictions applicable to sex offenders.

* * * *

§ 438-4. Certification requirements.

* * * *

B. Certification term, renewal and conditions.

* * * *

(7) With the exception of emergency shelters established to house sex offenders pursuant to Suffolk County Resolution No. 417-2010, no [No] congregate emergency shelter shall be eligible for a certification renewal unless such congregate emergency shelter has complied with local zoning and building codes where required by applicable law, subject to the provisions of § 438.8 of this article and has also complied with the following conditions:

* * * *

§ 438.8. Compliance with local zoning and building codes required.

Any congregate emergency shelter that is not in compliance with local zoning or building codes, ordinances and/or regulations shall have 60 days from the date of notification by the pertinent town or village to correct the condition. If the shelter fails to comply, the contract shall be terminated by the County Department of Social Services and all payments by the Department shall then cease. This Section shall not apply to emergency shelters established to house sex offenders pursuant to Resolution No. 417-2010.

* * * *

- II. Suffolk County Resolution No. 417-2010 is hereby amended by the addition of a new 8th Resolved clause which shall read as follows:

8th RESOLVED, that the Department of Social Services is hereby authorized and empowered to indemnify the shelter provider(s) selected to provide emergency housing against all liabilities, penalties, actions, damages, claims, judgments, losses, and expenses arising out of the siting and/or operation of a shelter or shelters in accordance with this resolution; and be it further

- III. The 8th RESOLVED clause of Resolution No. 417-2010 is renumbered as the 9th RESOLVED clause.

Section 3. Applicability.

This law shall apply to 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: December 20, 2011 **NOT ADOPTED**

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 20, 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

Intro. Res.

2003

Res. No.

1118

December 20, 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		6	11	-	1	-

MOTION	
<input checked="" type="checkbox"/> Approve	
Table: _____	
<input type="checkbox"/> Send To Committee	
<input type="checkbox"/> Table Subject To Call	
<input type="checkbox"/> Lay On The Table	
<input type="checkbox"/> Discharge	
<input type="checkbox"/> Take Out of Order	
<input type="checkbox"/> Reconsider	
<input type="checkbox"/> Waive Rule _____	
<input type="checkbox"/> Override Veto	
<input type="checkbox"/> Close	
<input type="checkbox"/> Recess	
APPROVED _____ FAILED <input checked="" type="checkbox"/>	
No Motion _____ No Second _____	

RESOLUTION DECLARED
<input type="checkbox"/> ADOPTED
<input checked="" type="checkbox"/> NOT ADOPTED

Tim Laube

Roll Call Voice Vote _____

Tim Laube, Clerk of the Legislature