

**RESOLUTION NO. 446 -2012, ADOPTING LOCAL LAW  
NO. 37 -2012, A LOCAL LAW TO STRENGTHEN THE  
AFFORDABLE HOUSING TRANSFER PROGRAM FOR  
HOMEOWNERS DISPLACED BY A NATURAL DISASTER**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 27, 2012, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE AFFORDABLE HOUSING TRANSFER PROGRAM FOR HOMEOWNERS DISPLACED BY A NATURAL DISASTER;**" now, therefore be it

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

**LOCAL LAW NO. 37 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STRENGTHEN THE AFFORDABLE  
HOUSING TRANSFER PROGRAM FOR HOMEOWNERS  
DISPLACED BY A NATURAL DISASTER**

**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 enacted Local Law No. 13-2011 to afford persons displaced from their homes by a hurricane, flood or tornado to participate in, and benefit from, the County's affordable housing program.

This Legislature also finds that certain provisions of Local Law No. 13-2011 have proven to be too restrictive and are frustrating the law's intent, to help persons who lose their homes in a natural disaster find new affordable housing.

Therefore, the purpose of this law is to amend the County's affordable housing program to enhance the County's ability to provide affordable housing to persons who have been dislocated and displaced by a natural disaster.

**Section 2. Amendments.**

Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**ARTICLE XXXVI  
Affordable Housing**

\* \* \* \*

**§ A36-2. Suffolk County housing opportunities programs.**

\* \* \* \*

- C. New York State General Municipal Law § 72-h transfer program for homeowners displaced by natural disaster.

\* \* \* \* \*

- (2) For purposes of this [subsection] article:

- (a) A] a “homeowner displaced by natural disaster” means[:

[1] A homeowner displaced by hurricane, flood or tornado whose primary residence has been rendered uninhabitable as determined by the Suffolk County Department of Health Services.]; and

[2] Who had no other source of total indemnity for the loss of the primary residence available to the homeowner from any other Federal, State or County program.]

\* \* \* \* \*

- D. Workforce housing and affordable housing programs other than the New York State General Municipal Law § 72-h transfer programs [for homeowners displaced by natural disaster].

\* \* \* \* \*

- (3) Homeowners displaced by natural disaster.

(a) Housing subsidized pursuant to this section may be transferred to persons displaced by a natural disaster notwithstanding that they are not first-time homebuyers.

(b) Parcels transferred to persons displaced by a natural disaster shall be for owner occupied housing only and subject to covenants and restrictions requiring that eligible individuals’ incomes do not exceed 120% of the HUD established limits for the Nassau-Suffolk PMSA adjusted by family size.

(c) Homeowners displaced by natural disasters shall be eligible for any preference established by the participating municipality.

(d) Except as specifically provided in this subsection, homeowners displaced by natural disasters shall be subject to all of the terms and conditions of this section of the Administrative Code.

\* \* \* \* \*

**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.

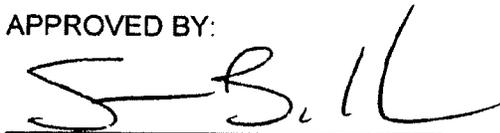
**Section 6. Effective Date.**

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: June 5, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 6-28-2012

After a public hearing duly held on June 20, 2012  
Filed with the Secretary of State on August 1, 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 June 5, 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*

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Clerk of the Legislature

Intro. Res. 1357

Res. No. 446

June 5, 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	
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____	
No Motion _____ No Second _____	

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

Roll Call \_\_\_\_\_ Voice Vote

*Tim Laube*

Tim Laube, Clerk of the Legislature