

**RESOLUTION NO. 496 -2012, ADOPTING LOCAL LAW
NO. 41 -2012, A LOCAL LAW TO STRENGTHEN
SAFEGUARDS FOR RESIDENTS OF PLANNED RETIREMENT
COMMUNITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2012, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN SAFEGUARDS FOR RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**;" now, therefore be it

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

LOCAL LAW NO. 41-2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN SAFEGUARDS FOR
RESIDENTS OF PLANNED RETIREMENT COMMUNITIES**

**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 developers around the country sell homes in retirement communities in which the purchaser buys and owns the home while the developer retains ownership of the land on which the physical structure is installed as well as the roads, sidewalks and common areas of the community.

This Legislature also finds that this unique brand of development can put the homeowner at a severe disadvantage and lead to abuses that harm the residents of a retirement community.

This Legislature further finds that the County of Suffolk enacted Local Law No. 1-2007 to extend to occupants of homes in planned retirement communities protections similar to those provided to mobile homeowners and multiple dwelling tenants.

This Legislature finds that Local Law No. 1-2007 and other related legislation that was subsequently enacted allows for fines and damages to be imposed against the owner/operators of planned retirement communities when they violate the provisions of these laws.

This Legislature further finds that if owner/operators of planned retirement communities are permitted to pass along the costs of the fines, penalties and damages assessed against them through higher rents and charges, they will have no incentive to clean up their business practices. Additionally, homeowners should not be victimized twice by being forced to bear the costs of an owner/operator's misconduct.

Therefore, the purpose of this law is to amend Chapter 656 of the SUFFOLK COUNTY CODE to prohibit the owner/operators of planned retirement communities from

passing on the costs of fines and damages assessed against them through higher rent or charges.

Section 2. Amendments.

Chapter 656 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 656
PLANNED RETIREMENT COMMUNITIES**

* * * *

Article I. Regulations and Restrictions

* * * *

§ 656-6. Prohibitions.

No planned retirement community owner or operator shall:

* * * *

G. Pass on the costs of fines, penalties or damages assessed against the planned retirement community owner or operator as a result of violation(s) of any provision of this chapter by increasing the rents, charges or fees of homeowners in the planned retirement community.

* * * *

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.

___ 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

Clerk of the Legislature

Intro. Res.

1378

Res. No.

496

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

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote