

**RESOLUTION NO. 543 -2013, ADOPTING LOCAL LAW  
NO. 31 -2013, A LOCAL LAW TO STRENGTHEN THE  
"PREPARED TO PROTECT OUR MOST VULNERABLE  
CITIZENS ACT"**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on May 7, 2013, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN THE 'PREPARED TO PROTECT OUR MOST VULNERABLE CITIZENS ACT'**"; now, therefore be it

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

**LOCAL LAW NO. 31 -2013, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STRENGTHEN THE "PREPARED TO  
PROTECT OUR MOST VULNERABLE CITIZENS ACT"**

**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 Local Law No. 46-2012 (codified at Chapter 627, Article III of the SUFFOLK COUNTY CODE) requires nursing homes, long-term care facilities and group homes for the disabled to file emergency preparedness plans with the Department of Fire, Rescue and Emergency Services ("FRES").

This Legislature also finds and determines that vulnerable populations reside in other types of facilities in the County of Suffolk; that there are many residential services and programs for children, adolescents and adults struggling with mental health issues in Suffolk County.

This Legislature determines that residential programs and services for the mentally ill should develop, and file with the County, emergency preparedness plans that will allow emergency responders to tailor their response to a natural disaster or other emergency based on each program's individual circumstances.

This Legislature further finds that Local Law No. 46-2012 authorizes the imposition of monetary penalties against facilities that fail to file a written emergency preparedness plan with the County.

This Legislature determines that the County can achieve the goals of Local Law No. 46-2012 more effectively by notifying the public when facilities fail to file an emergency response plan.

Therefore, the purpose of this local law is to amend Chapter 627 of the SUFFOLK COUNTY CODE to require more services and programs to file emergency

preparedness plans with the Department of Fire, Rescue and Emergency Services and to authorize FRES to notify the public when a facility fails to file a plan.

**Section 2. Amendments.**

Chapter 627 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 627. Nursing Homes and Health-Care Facilities**

\* \* \* \*

**Article III. Emergency Preparedness Plans.**

\* \* \* \*

§ 627-16. Filing requirements.

- A. All nursing homes, long-term care facilities, [and] group homes for the disabled, residential mental health programs and/or crisis residences for adults and crisis residence mental health programs for children and adolescents located in the County of Suffolk shall file with the Department of Fire, Rescue and Emergency Services a written emergency preparedness plan. Such plan must establish the facility's policies and procedures in the event that a natural disaster or similar emergency occurs.

\* \* \* \*

§ 627-17. [Penalties for offenses.] Compliance.

[Failure to file a written emergency preparedness plan with the Department of Fire, Rescue and Emergency Services shall constitute a violation and shall be punishable by a civil fine of \$500. A civil penalty shall only be assessed by the Commissioner of the Department of Fire, Rescue and Emergency Services following a hearing and opportunity of an alleged violator to be heard.]

- A. Each facility which files a written emergency preparedness plan with the Department of Fire, Rescue and Emergency Services in accordance with this Article shall receive a "Certificate of Compliance" from the Department.
- B. The Department of Fire, Rescue and Emergency Services shall post on its official website a list of all facilities and programs required to file an emergency preparedness plan pursuant to this Article and state the compliance status of each facility and program.

**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 on the sixtieth (60<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: June 18, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: July 15, 2013

After a public hearing duly held on July 13, 2013  
Filed with the Secretary of State on August 1, 2013