

**RESOLUTION NO. 1164 -2013, ADOPTING LOCAL LAW  
NO. 5 -2014, A LOCAL LAW TO IMPROVE THE COUNTY'S  
PROPERTY REDEMPTION PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 8, 2013, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE COUNTY'S PROPERTY REDEMPTION PROCESS**;" now, therefore, be it

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

**LOCAL LAW NO. 5 -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO IMPROVE THE COUNTY'S PROPERTY  
REDEMPTION PROCESS**

**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 Section 215 of NEW YORK COUNTY LAW authorizes the County of Suffolk to establish policies and procedures for the disposition of real property acquired through tax default.

This Legislature finds that, pursuant to Chapter 29 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 meet specified hardship criteria in order to qualify for redemption. The applicant must demonstrate that nonpayment resulted from personal illness, error in government record keeping, loss of employment or military deployment.

This Legislature determines that some homeowners in the County have been victimized by mortgage companies that fail to pay property taxes to the tax collecting government agency despite receiving these monies as part of the homeowners' monthly mortgage payments.

This Legislature also finds that frequently, these homeowners are unaware that their property taxes were not paid until it is too late and lack the resources to immediately pay the back taxes and associated fines and penalties once they discover the nonpayment.

This Legislature further finds that the County of Suffolk should amend Chapter 29 of the SUFFOLK COUNTY CODE to allow homeowners who have been victimized by the actions of their mortgage holder to redeem their property.

Therefore, the purpose of this law is to expand the hardship criteria under Chapter 29 of the SUFFOLK COUNTY CODE to allow former owners to reclaim their property when their mortgage company fails to pay their property taxes.

**Section 2. Amendments.**

Chapter 29 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**ARTICLE I. PROCEDURES**

\* \* \* \*

**Chapter 29. Conveyance of Property.**

\* \* \* \*

**§ 29-3. Conveyance procedure.**

\* \* \* \*

C. An explanation submitted by an applicant establishing one or more of the following conditions shall be required as an appropriate and sufficient basis before the Legislature may approve a conveyance to an applicant who is the immediate prior owner of record:

\* \* \* \*

- (5) Failure by the applicant's mortgage lender to pay the taxes on the subject parcel where the applicant submits written evidence that he or she remitted sufficient monies to pay the property taxes as part of their mortgage payments.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all applications for redemption under Chapter 29 of the SUFFOLK COUNTY CODE submitted to the Division of Real Property Acquisition and Management 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: December 3, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 20, 2013

After a public hearing duly held on December 11, 2013  
Filed with the Secretary of State on January 14, 2014