

Intro. Res. No. 1838-2014

Laid on Table 9/9/2014

Introduced by Legislators Stern, Browning, Hahn, Anker, McCaffrey, Schneiderman, Calarco and Gregory

RESOLUTION NO. 1038 -2014, ADOPTING LOCAL LAW NO. 2 -2015, A LOCAL LAW TO EXPAND THE COUNTY'S VETERANS HOUSING PROGRAM

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2014, a proposed local law entitled, "**A LOCAL LAW TO EXPAND THE COUNTY'S VETERANS HOUSING PROGRAM**;" now, therefore be it

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

LOCAL LAW NO. 2 -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO EXPAND THE COUNTY'S VETERANS HOUSING PROGRAM

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 shortage of affordable housing is one of the most pressing and difficult issues facing Long Island and Suffolk County policymakers today.

This Legislature also finds that a healthy inventory of affordable housing is a key factor in retaining young workers and building a strong, durable local economy.

This Legislature further determines that the County of Suffolk has moved aggressively in recent years to aid and assist in creating affordable workforce housing. One of the key components of the County's program is the 72-h transfer program whereby the County conveys surplus real property to towns and villages, at no cost, for the express purpose of creating workforce housing.

This Legislature further determines that the County's affordable housing program should be amended to authorize the County to convey surplus real property directly to not-for-profit corporations that construct affordable housing for military veterans.

Therefore, the purpose of this law is to amend Article 36 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize the County of Suffolk to transfer surplus real property directly to not-for-profit corporations for the purpose of creating affordable housing for veterans and their families.

Section 2. Amendments.

I. Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Section (E) which shall read as follows:

E. Transfer Program for Veterans Housing.

- 1) The County may transfer habitable improved parcels, uninhabitable improved parcels and vacant parcels directly to qualified not-for-profit corporations for the purpose of constructing or reconstructing affordable housing for veterans, subject to approval by the County Legislature.
- 2) For the purposes of this program, the term “veteran” shall have the same definition as set forth in Section 775-13 of the SUFFOLK COUNTY CODE and shall include “Cold War veterans” as defined in that section. Veterans need not be first-time home buyers as defined in this Article to qualify for participation in this program. The Director of Veterans Affairs of Suffolk County shall verify that occupants of parcels transferred pursuant to this section are qualified as veterans.
- 3) Parcels transferred pursuant to this section will be subject to the same income requirements, purchase price and rent limit requirements for occupants that are applicable to parcels that are conveyed by the County pursuant to the § 72-h transfer program set forth at section A36-2(B) of this Article..
- 4) Parcels transferred pursuant to this section may be used for rental or homeownership purposes. Rental housing may include single family rental, group homes or single room occupancy units and may be utilized as permanent housing, emergency shelter or transitional housing, as defined at 24 CFR 91.5. In addition to a residential component, such parcels may also contain on-site facilities, managed by the grantee not-for-profit corporation, for the purposes of providing support services to occupants including, without limitation, administrative and case management services, and medical, vocational, educational and financial assistance. The income requirements shall not be applicable to the staff of the non-profit grantee who may reside within the property for purposes of providing any such services.
- 5) The deed restrictions set forth in this Article at § A36-2(B)(2) shall apply to any property transferred pursuant to this section. In addition, any deed of conveyance shall contain a restriction that the property so conveyed shall be occupied by veterans and utilized as provided herein. Failure to comply with the restrictions shall result in the property reverting to the County of Suffolk.
- 6) For each property transferred hereunder that is under construction and not yet occupied, the grantee shall provide the Director with an annual report setting forth the status of development of the parcel transferred hereunder, including, the status of municipal approvals and funding sources. For each parcel that is occupied, the grantee shall provide the Director with an annual report setting forth the exact and precise use for which the property is being used, the sales price of the unit, if applicable, and the rent or occupancy charges, if applicable. Such annual report shall also verify that the occupants are veterans and that the income qualifications for occupant set forth herein have been met.
- 7) The consideration paid to the County of Suffolk for any vacant or uninhabitable parcel conveyed hereunder shall be nominal consideration not to exceed \$10.00. In the case of habitable structures, the consideration paid to the County of Suffolk shall be the County’s investment in the property, including taxes and other charges paid or payable by the County, in connection with such property.

8) The Director shall establish written rules and procedures to implement this program. Such procedures shall include minimum financial, management and housing development qualifications for not-for-profit corporations seeking to participate in the program.

II. Section (E) of § A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby re-lettered Section (F) and Section (F) of § A36-2 is hereby re-lettered Section (G).

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 its filing in the Office of the Secretary of State.

DATED: November 18, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 19, 2014

After a public hearing duly held on December 1, 2014
Filed with the Secretary of State on January 27, 2015