

Intro. Res. No. 1647-2015  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 7/28/2015

**RESOLUTION NO. 853 -2015, ADOPTING LOCAL LAW NO. 35 -2015, A LOCAL LAW TO CLARIFY SUFFOLK COUNTY'S REAL PROPERTY REDEMPTION PROCESS FOR PROPERTY INTERESTS TRANSFERRED TO THE SUFFOLK COUNTY LANDBANK CORPORATION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on July 28, 2015, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY SUFFOLK COUNTY'S REAL PROPERTY REDEMPTION PROCESS FOR PROPERTY INTERESTS TRANSFERRED TO THE SUFFOLK COUNTY LANDBANK CORPORATION**"; now, therefore be it

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

**LOCAL LAW NO. 35 -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO CLARIFY SUFFOLK COUNTY'S REAL PROPERTY REDEMPTION PROCESS FOR PROPERTY INTERESTS TRANSFERRED TO THE SUFFOLK COUNTY LANDBANK CORPORATION**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds that Local Law No. 18-2012 (Article IV of Chapter 155 of the Administrative Local Laws) authorized the creation of the Suffolk County Landbank Corporation ("SCLC"), a not-for-profit corporation established in accordance with Article 16 of New York State Not-For-Profit Corporation Law, that is empowered to acquire an interest in and take discretionary action with regard to vacant, abandoned tax-delinquent, and tax-foreclosed properties that could not otherwise be disposed of, and facilitate the return of such properties to productive use.

This Legislature further finds that Section A40-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE sets forth procedures for the release/redemption of real property acquired by Suffolk County pursuant to §46 of the Suffolk County Tax Act.

This Legislature further finds and determines that the SCLC is a legal entity separate and apart from the County of Suffolk and therefore, such procedures for the release/redemption of property pursuant to Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE do not apply to interests in tax-delinquent or tax-foreclosed properties acquired by the SCLC.

Therefore, the purpose of this law is to clarify the applicability of the release/redemption procedure authorized by Section A40-3 of Article XL, of the SUFFOLK COUNTY ADMINISTRATIVE CODE as it relates to the SCLC.

**Section 2. Amendment.**

Section A40-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

**ARTICLE XL, COUNTY REAL PROPERTY**

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§ A40-3. Procedure for redemption of property under Suffolk County Tax Act.

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- A. Application for release of property acquired pursuant to the Suffolk County Tax Act. The County's interest in property acquired pursuant to the Suffolk County Tax Act may be released, as herein provided, on the application of any party who had an interest in the property at the time of the application, up to six months from the date of recording of the County's deed, as defined in Subsection B herein. A party with an interest in the property shall include every person to whom any estate or interest in the real property is conveyed in good faith for a valuable consideration, including but not limited to a contract vendee and any purchaser of real property pursuant to a judicial sale in a mortgage foreclosure action. A party with an interest in the property, as defined herein, shall be the recipient of the quitclaim deed which is executed and delivered pursuant to Subsection H herein. A party in interest shall not be deemed to include the County of Suffolk. No party, whether a party in interest or otherwise, may apply for or be granted a release of property acquired in fee title by the Suffolk County Landbank Corporation pursuant to the Suffolk County Tax Act or acquired in fee title by a third party pursuant to the Suffolk Tax Act where the lien had previously been transferred to such third party by the Suffolk County Landbank Corporation.

**Section 3. Applicability.**

This law shall apply to all tax-delinquent properties, the lien or liens for which are transferred to the SCLC 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 (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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the office of the Secretary of State.

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

DATED: October 6, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 26, 2015

After a public hearing duly held on October 19, 2015  
Filed with the Secretary of State on December 11, 2015