

Intro. Res. No. 1648-2015
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 7/28/2015

RESOLUTION NO. 854 -2015, ADOPTING LOCAL LAW NO. 36 -2015, A LOCAL LAW TO CLARIFY SUFFOLK COUNTY'S HARDSHIP CONVEYANCE OF PROPERTY PROCEDURE 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 HARDSHIP CONVEYANCE OF PROPERTY PROCEDURE 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. 36 -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO CLARIFY SUFFOLK COUNTY'S HARDSHIP CONVEYANCE OF PROPERTY PROCEDURE 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 Chapter 29 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS sets forth procedures for the conveyance, due to hardship, of real property acquired by Suffolk County pursuant to 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 conveyance, due to hardship, of real property pursuant to Chapter 29 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS 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 conveyance due to hardship procedure authorized by Chapter 29 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS as it relates to the SCLC.

Section 2. Amendment.

Section 29-3 of the SUFFOLK COUNTY ADMINISTRATIVE LOCAL LAWS is hereby amended to read as follows:

CHAPTER 29, CONVEYANCE OF PROPERTY

§ 29-3. Conveyance Procedure.

- I. No resolution authorizing a conveyance to a corporation partnership or other business entity shall be approved by the Legislature.

- J. No resolution authorizing a conveyance for 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 County Tax Act where the lien had previously been transferred to such third party by the Suffolk County Landbank Corporation shall be approved by the Legislature.

- K. Consideration for release. All amounts payable by an applicant as provided herein shall be adjusted by the Division, as necessary through the date of deed conveyance. In addition, the County's Interest may be released only after receipt, as to each parcel to be released, of the following a certified check, bank check, or money order made payable to the Suffolk County Clerk in payment of the fees required to record the deed and file any other documents necessary to properly record the deed, and a notarized affidavit signed by the redeeming applicant/owner, stating that the applicant/owner accepts the deed tendered by the County and has no objection to delivery of the deed to the Suffolk County Clerk for recording on the applicant's/owner's behalf by the Division.

- L.[K.] In the event an applicant makes payment to the County hereunder and no resolution authorizing a conveyance is approved by the Legislature, such payment, less the administrative expenses authorized under § 29-5 of this article, shall be returned to the applicant.

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