

**STRICKEN AS OF END OF YEAR**

Intro. Res. No. 1930-2015  
Introduced by Legislators Hahn and Browning

Laid on Table 11/17/2015

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW  
NO. -2015, A LOCAL LAW TO ESTABLISH NEW  
PROCEDURES FOR THE AUCTIONING OF REAL PROPERTY  
OWNED BY THE COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 17, 2015, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH NEW PROCEDURES FOR THE AUCTIONING OF REAL PROPERTY OWNED BY THE COUNTY**"; now, therefore be it

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

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

**A LOCAL LAW TO ESTABLISH NEW PROCEDURES FOR THE  
AUCTIONING OF REAL PROPERTY OWNED BY THE COUNTY**

**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 County of Suffolk has a dire shortage of affordable housing.

This Legislature finds that affordable housing is essential to retain young workers on Long Island and sustain a healthy local economy.

This Legislature determines that Suffolk County has worked diligently to create affordable housing, most significantly through the § 72-h program by which surplus parcels are transferred to towns and villages at no cost for the purpose of building workforce housing.

This Legislature also finds that, while the County's § 72-h transfer program has been successful, more must be done to facilitate affordable housing development in Suffolk County.

This Legislature further finds that, the County regularly auctions its surplus real property holdings.

This Legislature also determines that, non-profit organizations that construct or reconstruct affordable housing should be allowed to purchase surplus properties prior to the commencement of a County auction.

This Legislature further determines that providing a designated pre-auction process for non-profit organizations would further the County's goal of increasing available affordable housing.

Therefore, the purpose of this local law is to establish a process by which qualified non-profit organizations may purchase surplus County real property prior to the property being offered at auction.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meaning indicated:

“Director” – the Director of the Division of Real Property, Acquisition and Management, Department of Economic Development and Planning.

“Qualified Non-Profit Organization” – a 501(c)(3) not for profit organization which has a mission to provide affordable housing to first time homebuyers or owner-occupied affordable housing.

## **Section 3. Pre-Auction Sale to Qualified Non-Profit Organizations.**

- A. The Director shall set a time, no less than one (1) hour prior to the opening of any auction held pursuant to Chapter 1070 of the SUFFOLK COUNTY CODE, to allow qualified non-profit organizations to purchase properties on the auction list for the purpose of providing housing for qualified first time homebuyers or affordable owner-occupied housing.
- B. Compensation for parcels purchased at pre-auction sale must be a minimum of the County’s investment in the property, including taxes and other charges paid or payable by the County.
- C. In the event that two (2) or more qualified non-profit organizations are interested in purchasing the same parcel, the property shall be sold to the highest bidder among the non-profit organizations.
- D. Parcels sold pursuant to this law will be subject to the same income and purchase price requirements for occupants that are applicable to parcels that are conveyed by the County pursuant to the § 72-h transfer program set forth in § A36-2(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE.
- E. The deed restrictions set forth in § A36-2(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall apply to any property transferred pursuant to this law. In addition, any deed of conveyance shall contain a restriction that the property so purchased shall be owner-occupied and utilized as provided herein. Failure to comply with the restrictions shall result in the property’s ownership reverting to the County.
- F. The Director shall establish written rules and procedures to implement the pre-auction sale of real property pursuant to this law.

## **Section 4. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

**Section 5. 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 6. 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 7. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: