

RESOLUTION NO. 259 -2016, DECLARING INTENT NOT TO EXERCISE COUNTY-IMPOSED REVERTER CLAUSE CONTAINED IN DEEDS FOR CERTAIN PROPERTIES IN THE VILLAGE OF SOUTHAMPTON TRANSFERRED PURSUANT TO THE 72-H AFFORDABLE HOUSING PROGRAM (SCTM NOS. 0904-001.00-01.00-028.000, 0904-001.00-01.00-029.000, AND 0904-001.00-01.00-030.000) ONLY AS IT APPLIES TO SUFFOLK COUNTY ADMINISTRATIVE CODE A36-2B(2)(A)[1][D]

WHEREAS, Suffolk County Administrative Code § A36-2 (B) sets forth the criteria for New York State General Municipal Law § 72-h transfers for Affordable Housing; and

WHEREAS, pursuant to Resolution No. 521-2002, the County of Suffolk transferred three (3) parcels of property, identified by Suffolk County Tax Map Nos. 0904-001.00-01.00-028.000; 0904-001.00-01.00-029.000; and 0904-001.00-01.00-030.000 (the "Subject Parcels") to the Village of Southampton for affordable housing development and occupancy; and

WHEREAS, pursuant to A36-2 B (2) (a) (1) (b) and (d) and § A36-2 B (2) (a) (2) (a) and (d), as applicable, construction must be completed and occupancy established within three years of the date of the transfer to a municipality and homes must be transferred to eligible individuals whose income does not exceed 80% of the HUD established income limits for Suffolk County; and

WHEREAS, Suffolk County Administrative Code § A36-2 (B) allows for an extension of time for construction and occupancy where the three year period is exhausted; said extension shall not exceed two two-year extensions unless approved by duly enacted resolution; and

WHEREAS, pursuant to Resolution No. 126-2012, the County granted a two year extension to the Village of Southampton in order to facilitate the construction and occupancy of affordable units on the transferred parcels, giving the Village until March 2014 to establish occupancy in homes constructed on the parcels; and

WHEREAS, the Village of Southampton subsequently transferred the parcels to the Southampton Housing Authority on November 8, 2013; and

WHEREAS, the Southampton Housing Authority constructed three (3) single family homes on the transferred lots and was issued Certificates of Occupancy on December 2, 2015; and

WHEREAS, all three (3) homes are currently occupied by families whose income does not exceed 80% of the HUD-established median income limits; now, therefore be it

1st RESOLVED, that under the current conditions the County does not intend to exercise its reverter clause contained in the deeds for the transferred parcels only as it applies to Suffolk County Administrative Code A36-2B(2)(a)[1][d]; and be it further

2nd **RESOLVED**, that the Commissioner of the Suffolk County Department of Economic Development and Planning, and the Director of Real Estate are hereby authorized and directed to take such further actions and to execute and deliver such further documentation as may be necessary or desirable to effectuate the purposes and intent of the resolutions contained herein; and be it further

3rd **RESOLVED**, that 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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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 is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

DATED: April 12, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 20, 2016