

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

May 26, 2010

Mr. Timothy Laube
Clerk of the Legislature
Suffolk County Legislature
Veterans Memorial Highway
Hauppauge, New York 11788

RE: - May 11 , 2010 - Legislative Meeting

Vetoed Resolution 417-2010

Dear Mr. Laube:

Attached please find the above resolutions, which have been acted upon as indicated.

Very truly yours,

Brendan Chamberlain
Intergovernmental Relations Director

Received by

A. Howard

Date

5/26/10

Time

4:35p

BC:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

May 26, 2010

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

**RE: RESOLUTION NO. 417-2010 ENDING THE VOUCHER SYSTEM AND
DIRECTING THE DEPARTMENT OF SOCIAL SERVICES TO DEVELOP A
COMPREHENSIVE PLAN TO HOUSE HOMELESS SEX OFFENDERS**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 417-2010; "Ending the Voucher System and Directing the Department of Social Services to develop a comprehensive plan to house homeless sex offenders"** vetoed in its entirety.

While I laud the Legislature's willingness to acknowledge and address our state mandate to provide housing to all persons who present themselves to the Department of Social Services – including those who are registered sex offenders – this legislation may leave Suffolk County Department of Social Services unable to meet that state mandate.

The first resolved clause directs DSS to terminate the voucher system (in which homeless sex offenders are provided a daily voucher to find their own housing). The voucher system DSS has adopted mirrors those used by neighboring Nassau County, Westchester County and many other counties across New York State, and all have worked well with little or no controversy over the years.

By terminating the voucher system the moment the legislation takes effect the Department of Social Services may be without the legal ability to provide this housing as mandated by the State. These individuals would be without shelter, creating a greater danger to themselves and others.

Our ability to close the trailers will also be made more difficult because the resolution voids the voucher system yet fails to guarantee that alternate sites will be immediately available and acceptable.

In short, the voucher system needs to be maintained while DSS seeks to develop the program envisioned by this resolution, which by most accounts will be very difficult to actually implement given the numerous siting restrictions in place.

Furthermore, the resolution is ambiguous as to the direction DSS should take once the department presents a plan to the Executive and Legislative branches. For example:

- Is the plan to be reviewed and codified by vote of the legislature?
- Or, is it to be considered effective policy immediately upon submission of the plan?
- What if the Legislature or individual legislators do not like the plan that was submitted?
- Will the Legislature have the opportunity to modify the plan?
- What if legislators who object to specific sites file their own resolutions to block further implementation of the plan?
- And what if, due to the many residency restrictions put in place over the years by the Legislature as well as by local municipalities, providers are not able to locate enough adequate sites to house no more than six offenders per town?

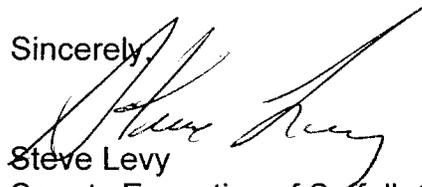
In considering any and all of the above, the overarching question remains: how will DSS be able to meet its state mandate to provide this housing with the termination of the voucher system?

Finally, even if the plan the Legislature envisions is able to be implemented, the provider selection, siting and approval process is sure to take a long time. Without a voucher system in place and with a trailer program challenged in many legal venues, how will DSS be able to meet its state mandate?

We believe the voucher system – similar to that used in many counties across the state including our neighbor to the west – has allowed DSS to meet its mandate and to have a legally permissible degree of oversight (by requiring daily reporting). By terminating the system without any specific sites already approved and prepared for use, Suffolk County could easily be subject to state sanctions and penalties.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy

County Executive of Suffolk County

SL:mls

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Connie Corso, Deputy County Executive for Finance and Management
Ken Cranell, Deputy County Executive
Ben Zwirn
Eric Naughton, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

RESOLUTION NO. 417 -2010, ENDING THE VOUCHER SYSTEM AND DIRECTING THE DEPARTMENT OF SOCIAL SERVICES TO DEVELOP A COMPREHENSIVE PLAN TO HOUSE HOMELESS SEX OFFENDERS

WHEREAS, the County of Suffolk, through its Department of Social Services, is obligated to provide housing for all persons who are homeless, including sex offenders; and

WHEREAS, the Department of Social Services has housed most homeless sex offenders in trailers in Riverhead and Westhampton for the past several years; and

WHEREAS, residents of Riverhead and Southampton have complained that it is inequitable to house all sex offenders in their communities; and

WHEREAS, the County has incurred large costs transporting sex offenders to and from the trailers; and

WHEREAS, the condition of the trailers in Riverhead and Westhampton has been the subject of a fair hearing and is a potential source of future litigation; and

WHEREAS, the Department of Social Services and the County Executive's Office have begun to implement a new policy for sex offender emergency housing, whereby the Department gives a sex offender a daily voucher of ninety dollars (\$90.00) and the sex offender is responsible to find their own housing; and

WHEREAS, the new voucher policy is unacceptable because it undermines the central goal of Megan's Law -- to allow residents to be aware of the presence of sex offenders in their community; and

WHEREAS, under the voucher system, sex offenders can be housed in close proximity to families and children; and

WHEREAS, there is no oversight of sex offenders under the voucher policy; now, therefore be it

1st RESOLVED, that the Department of Social Services is hereby directed to terminate the voucher program for homeless sex offenders; and be it further

2nd RESOLVED, that the Department of Social Services is directed to develop a new program to provide emergency housing for homeless sex offenders; and be it further

3rd RESOLVED, that the program developed by the Department of Social Services should be equitable, cost effective and provide some measure of oversight of sex offenders; and be it further

4th RESOLVED, that the Department of Social Services shall seek shelter providers to provide emergency housing for homeless sex offenders and the providers will be responsible for siting the shelters; and be it further

5th **RESOLVED**, that as part of the new program, no more than one shelter shall be sited in any town or legislative district and no more than six (6) sex offenders shall be housed at any shelter; and be it further

6th **RESOLVED**, the Department of Social Services shall present the program called for herein to the County Executive and the Suffolk County Legislature within 30 days of the effective date of this resolution; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution 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, and 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 resolution.

DATED: May 11, 2010

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 5/26/10

Intro. Res. 1399 Res. No. 417

May 11, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY		/			
15	DuWayne GREGORY		/			
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		14	4			

MOTION

Approve

Table: _____

Send To Committee _____

Table Subject To Call _____

Lay On The Table _____

Discharge _____

Take Out of Order _____

Reconsider _____

Waive Rule _____

Override Veto _____

Close _____

Recess _____

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED _____

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote