

Introduced by Legislators Trotta, Cilmi, Schneiderman and Calarco

**RESOLUTION NO. 257 -2015, ADOPTING LOCAL LAW  
NO. 15 -2015, A LOCAL LAW TO CLARIFY LICENSING  
REQUIREMENTS FOR THE SELLERS OF HOME  
FURNISHINGS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on February 3, 2015, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY LICENSING REQUIREMENTS FOR THE SELLERS OF HOME FURNISHINGS**"; now, therefore be it

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

**LOCAL LAW NO. 15 -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO CLARIFY LICENSING REQUIREMENTS FOR  
THE SELLERS OF HOME FURNISHINGS**

**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 enacted Local Law No. 14-1997 to provide for the licensing and regulation of sellers of home furnishings.

This Legislature also finds that Local Law No. 14-1997 (as subsequently amended and codified at Chapter 563, Article IX, of the SUFFOLK COUNTY CODE) was intended to provide County oversight of furniture and carpet retailers and to provide relief to consumers when such retailers fail to deliver merchandise as promised, deliver or install defective products or wrongfully withhold a consumer's deposit.

This Legislature further determines that the Department of Labor, Licensing and Consumer Affairs has recently advised antique dealers and thrift shops run by charitable organizations, which generally sell small volumes of used furniture as part of their operations, that they must obtain a Home Furnishings Seller's License; this Legislature concludes that while this action is consistent with the law's current language, it is inconsistent with its spirit and intent.

This Legislature finds that the language of the County's Home Furnishings Licensing Law must be amended to accurately reflect its original intent.

Therefore, the purpose of this law is to clarify the scope of the Home Furnishings Licensing Law to ensure its effective enforcement by the Department of Labor, Licensing and Consumer Affairs.

**Section 2. Amendments.**

Chapter 563 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 563. LICENSED OCCUPATIONS**

**Article IX. Home Furnishings.**

\* \* \* \*

**§ 563-105. Definitions.**

For purposes of this article, the following terms shall have the meanings indicated:

\* \* \* \*

**HOME FURNISHINGS**

New [F]urniture and carpets which have not been the subject of a previous retail sale.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring 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/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 6. Effective Date.**

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

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

DATED: April 28, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 20, 2015

After a public hearing duly held on May 13, 2015  
Filed with the Secretary of State on June 5, 2015