

AMENDED COPY AS OF 5/8/2019

Intro. Res. No. 1301-2018
Introduced by Legislator Hahn

Laid on Table 4/24/2018

**RESOLUTION NO. -2019, ADOPTING LOCAL LAW
NO. -2019, A LOCAL LAW TO REQUIRE INSTALLATION OF
ADVANCED WASTEWATER TREATMENT SYSTEMS AT
AUCTIONED PARCELS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2018, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE INSTALLATION OF ADVANCED WASTEWATER TREATMENT SYSTEMS AT AUCTIONED PARCELS**" now, therefore be it

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

LOCAL LAW NO. -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REQUIRE INSTALLATION OF ADVANCED
WASTEWATER TREATMENT SYSTEMS AT AUCTIONED
PARCELS**

**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 continues to work proactively to protect the environment and preserve the quality of the County's sole source aquifer and surface waters.

This Legislature hereby finds and determines that the County is currently at a critical juncture, with nitrogen pollution posing a significant risk to both surface and groundwater.

This Legislature also finds and determines that the County recently introduced a number of new water quality protection programs: authorizing the use of innovative alternative wastewater treatment systems; assisting some homeowners in funding the installation of such systems, and allowing homeowners the opportunity to enter a lottery to test new technologies at little or no cost.

This Legislature further finds that more must be done to protect the sole source aquifer Long Island relies on for its drinking water and the surface waters that are vital to our quality of life and our local economy.

This Legislature finds that, each year, the County of Suffolk auctions dozens of properties that were taken for delinquent taxes.

This Legislature determines that many of these properties are located in areas that are not serviced by sewer districts and which rely predominantly on cesspools for wastewater disposal.

This Legislature also finds that at a time of auction, the County is able to place conditions on the parcels sold at auction. Presently, there is an owner occupancy restriction for properties sold at auction.

This Legislature also determines that Suffolk County should require persons acquiring properties at County auction to install innovative sanitary systems at the premises.

This Legislature further finds that requiring the installation of innovative sanitary systems on parcels auctioned by the County will reduce the nitrogen load on local waters and add value to these properties as they reenter the tax rolls.

Therefore, the purpose of this law is to amend Section A40-4 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to require purchasers of parcels auctioned by the County to install innovative sanitary systems as a condition of purchase.

Section 2. Amendments.

Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE XL: COUNTY REAL PROPERTY

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§ A40-4. Disposition of property acquired through Suffolk County Tax Act

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G. Public auction. All parcels approved for disposition, except those that may be sold as provided in Subsection H or as provided under § A36-2A the Suffolk County Administrative Code, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Commissioner, subject to the provisions set forth in Paragraph (5) of this subsection. All parcels approved for disposition which have structures affixed thereto capable of physical occupancy by individuals shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the owner of the parcel, or his or her natural children or natural parents, to occupy said premises, said restriction to run with the land for a period of 10 years subsequent to the transfer of title from the County of Suffolk. Parcels obtained by a town or village pursuant to the municipal requests set forth in Paragraph (5) shall be exempt from the owner occupancy restrictions. The owner of the parcel shall provide the County written notice of any subsequent transfer of the parcel within said ten-year period. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. Further, all parcels approved for disposition which have structures affixed thereto capable of physical occupancy by individuals, which are not located within a sewer district or otherwise serviced by a sewage treatment plant, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the owner of the parcel to install a residential innovative and alternative on-site wastewater treatment system, as approved by the Department of Health Services, within 180 days of taking title to the property. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. All parcels approved for disposition which do not have structures affixed thereto, but are of a buildable size, which are not located

within a sewer district or otherwise serviced by a sewage treatment plant, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring that, if the parcel is ever improved, that at the time of improvement an innovative and alternative on-site wastewater treatment system, as approved by the Department of Health Services, shall be installed prior to receiving a Certificate of Occupancy for such structure from the appropriate local jurisdiction. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Subsections A and B of this section, then the Commissioner, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public auction in accordance with the provisions of this article at the earliest possible date.

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Section 3. Applicability.

This law shall apply to all parcels offered at auction 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 January 1, 2020.

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: