

**RESOLUTION NO. 1105 -2018, ADOPTING LOCAL LAW
NO. 4-2019, A LOCAL LAW TO IMPROVE AND STRENGTHEN
THE COUNTY'S PUBLIC NUISANCE PROPERTY LAW**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 2, 2018, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE AND STRENGTHEN THE COUNTY'S PUBLIC NUISANCE PROPERTY LAW**"; now, therefore be it

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

LOCAL LAW NO. 4 -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE AND STRENGTHEN THE COUNTY'S
PUBLIC NUISANCE PROPERTY LAW**

**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, in 1988, Suffolk County enacted Local Law No. 2-1989, which created legal and equitable remedies to address private properties that constituted a public nuisance due to criminal behavior occurring on premises.

This Legislature also finds and determines that Local Law No. 2-1989 became known as the "crack house" law, as the crack epidemic was rampant at the time of its passage.

This Legislature further finds and determines that in subsequent years, the law was expanded to address unlawful behaviors other than drug offenses.

This Legislature finds that the County's nuisance law currently omits certain crimes that should be added, specifically gang assault and sex offenses. These crimes should be expressly included in the list of acts which trigger police notification to the County Attorney pursuant to this law.

This Legislature also determines that the County has learned that some nuisance properties are rental properties which receive rent payments through the Department of Social Services, as individuals qualified to receive housing assistance reside there.

This Legislature also finds that the Department of Social Services should be notified when a property becomes a public nuisance so that they can take actions to ensure that persons receiving its services are living in appropriate housing and to ensure that taxpayer monies are not subsidizing the continued operation of public nuisances.

Therefore, the purpose of this law is to amend Chapter 623 of the SUFFOLK COUNTY CODE to remove references to "crack houses", expand the list of crimes that trigger

notification to the Law Department and ensure that the Department of Social Services is notified of nuisance properties.

Section 2. Amendments.

Chapter 623 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 623. Nuisance Properties.

§ 623-1. Legislative intent.

- A. This Legislature hereby finds that buildings and places being employed for the sale of controlled substances[, including crack houses] and other public nuisances[,] exist within the County of Suffolk; that the recent proliferation of [crack houses] nuisance properties has brought to the County's attention that real estate used for improper purposes can have a devastating impact on the surrounding community; that these public nuisances exist in occupied and vacant buildings and on occupied and vacant developed and undeveloped real estate; that these public nuisances exist as a result of the operation of certain businesses, establishments and use of property in flagrant violation of pertinent provisions of penal laws, health laws, licensing laws, environmental laws and laws relating to the sale and consumption of alcoholic beverages; and that all of these public nuisances interfere with the interest of the public in the quality of life and total community environment, the tone of commerce in the County, property values and the public health, safety and welfare of the residents of this County.

- B. This Legislature further finds and determines that the existence of [crack houses and real estate where crack is sold] nuisance properties in this County[, together with other public nuisances,] is detrimental to the health, safety and welfare of the people of the County of Suffolk and to the businesses thereof and visitors thereto.

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§ 623-2. Definitions.

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Prohibited Conduct – The following:

- A. Any conduct or occurrence that is in violation of the following articles or sections of the New York State Penal Law:
 - (1) Article 220 (controlled substances).
 - (2) Article 230 (prostitution).
 - (3) Article 225 (gambling).
 - (4) Sections 221.40, 221.45, 221.50 and 221.55 (criminal sale of marijuana in the fourth degree through first degree).
 - (5) Sections 165.45, 165.50, 165.52 and 165.54 (criminal possession of stolen property in the fourth through first degree).
 - (6) Sections 165.09 and 165.10 (auto stripping in the second and first degrees).
 - (7) Section 170.65 (forgery of a vehicle identification number).
 - (8) Section 170.71 (illegal possession of a vehicle identification number plate).
 - (9) Section 265.08 (criminal use of a firearm in the second degree).

- (10) Section 265.09 (criminal use of a firearm in the first degree).
- (11) Section 265.11 (criminal sale of a firearm in the third degree).
- (12) Section 265.12 (criminal sale of a firearm in the second degree).
- (13) Section 265.13 (criminal sale of a firearm in the first degree).
- (14) Section 120.08 (assault on a peace officer, police officer, fireman or emergency medical service professional).
- (15) Section 120.10 (assault in the first degree).
- (16) Section 265.02 (criminal possession of a weapon in the third degree).
- (17) Section 265.03 (criminal possession of a weapon in the second degree).
- (18) Section 265.04 (criminal possession of a dangerous weapon in the first degree).
- (19) Section 120.06 and 120.07 (gang assault in the second and first degrees).
- (20) Article 130 (sex offenses).
- (21) Article 263 (sexual performance by a child).

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§ 623-3. Suffolk County governmental determinations.

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D. The Department shall send notices to the owners and mortgage holders of affected real property no later than 60 days after the Department receives notification from the Suffolk County Police Department or a town or village police department that prohibited conduct has occurred thereon. The Department shall file a copy of all notices it issues with the Clerk of the County Legislature and the Commissioner of the Department of Social Services no later than 30 days after their issuance.

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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 its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: December 4, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 31, 2018

After a public hearing duly held on December 20, 2018
Filed with the Secretary of State on January 17, 2019