

**RESOLUTION NO. 444 -2020, ADOPTING LOCAL LAW
NO. -2020, A LOCAL LAW TO ESTABLISH PROCEDURES
FOR THE 215 REDEMPTION PROCESS IN TIMES OF CRISIS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2020, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH PROCEDURES FOR THE 215 REDEMPTION PROCESS IN TIMES OF CRISIS**"; now, therefore be it

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

LOCAL LAW NO. -2020, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH PROCEDURES FOR THE 215
REDEMPTION PROCESS IN TIMES OF CRISIS**

**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 Chapter 29 of the SUFFOLK COUNTY CODE provides procedures for the reconveyance of properties taken by the County for back taxes due to hardship on the part of the property owner.

This Legislature also finds and determines that currently, applicants have 60 days from submitting their initial application to provide all necessary documentation to Legislative Counsel to prove that they suffered a qualifying hardship and now have all funds necessary to pay the back taxes, penalties and interests in full.

This Legislature further finds and determines that during periods of significant disaster within the County, such as the current global COVID-19 pandemic, it may be difficult for applicants to obtain and provide all of the necessary documentation and information within the 60-day time frame.

This Legislature finds that an additional 30 days should be granted for active 215 applicants to provide their supplemental documents when a disaster is declared for Suffolk County by the President, Governor or County Executive.

This Legislature determines that during periods of crisis, it may also be difficult for the Division of Real Property Acquisition and Management to provide Legislative Counsel with the computations necessary to determine if applicants have the ability to pay during the 60-day period.

This Legislature also finds that applicants should be allowed additional time to submit proof of ability to pay if the Division has difficulty providing the back taxes and penalties computation during the applicant's period to provide documents to Legislative Counsel.

Therefore, the purpose of this law is to amend Chapter 29 to provide applicants for 215 hardship redemptions with additional time to provide documents necessary for decision-making during certain specific circumstances.

Section 2. Amendments.

Chapter 29 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 29. Conveyance of Property

Article I. Procedures

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§ 29-3. Conveyance Procedure.

- A. Prior to action by the Legislature to approve a conveyance, an applicant shall complete an application prescribed by the Office of Legislative Counsel of the County Legislature, which application shall include a sworn affidavit as to the explanation of the nonpayment of taxes together with supporting documentation, a title abstract for the subject parcel covering the prior 10 years and evidence of the applicant's ability to make all payments required for conveyance under this article. Documents evidencing an ability to pay shall include, but not be limited to, a fully executed contract of sale for the parcel or a fully executed loan agreement. The applicant shall pay the requisite administrative fee established by the Director pursuant to § 29-5 of this chapter at the time the application is submitted to the Office of Legislative Counsel.
 - 1. Legislative Counsel will review each application for conveyance and the supporting documentation submitted by the applicant. If necessary, Legislative Counsel shall request additional information and supporting documentation from an applicant. Applicants shall submit all requested information and documentation, to the satisfaction of Legislative Counsel, within 60 days from the date the application for conveyance is originally submitted to the Office of Legislative Counsel. In the event the President of the United States, the Governor of New York or the County Executive issue a disaster declaration for the County of Suffolk during the 60-day period for submitting documentation, each pending application during the period of the declaration shall be provided with an additional 30 days from the original end date for applicants to submit supporting documentation. Legislative Counsel shall notify the legislator of the applicant for pending applications if such a declaration is issued and the updated deadline for document submission. In the event such information and documentation is not submitted within this [sixty-day] statutory period, the application shall be deemed denied, the applicant will be afforded no further opportunity to apply for a conveyance and the Division shall proceed to dispose of the property.
 - 2. The Division will cooperate with the Office of Legislative Counsel and provide such information as may be necessary for Legislative Counsel to complete its review. In the event the Division does not provide the necessary computation of the total amount of taxes and penalties due for Legislative Counsel to complete their review at least 21 days prior to the closure of an applicant's document provision period, the applicant shall be granted an additional 21 days from the date Legislative Counsel

receives the calculation of taxes and penalties owed to provide supplemental documentation proving ability to pay. Legislative Counsel shall be responsible for notifying the legislator for the applicant and the Division of any extension provided to an applicant under this paragraph and the updated date that documentation of ability to pay is due.

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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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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: June 9, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 23, 2020