

Intro. Res. No. 1409-2020

Laid on Table 4/28/2020

Introduced by Legislators Fleming, Calarco, Gonzalez, Piccirillo, Sunderman, Richberg and Cilmi

**RESOLUTION NO. 421 -2020, ADOPTING LOCAL LAW
NO. 19 -2020, A LOCAL LAW TO ALLOW FOR FLEXIBILITY IN
USE OF HOTEL MOTEL FUNDING FOR 2020**

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 ALLOW FOR FLEXIBILITY IN USE OF HOTEL MOTEL FUNDING FOR 2020**"; now, therefore be it

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

LOCAL LAW NO. 19 -2020, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ALLOW FOR FLEXIBILITY IN USE OF HOTEL
MOTEL FUNDING FOR 2020**

**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 Suffolk County, the nation and communities around the world are being substantially impacted by the global pandemic caused by the novel coronavirus, COVID-19.

This Legislature also finds and determines that as a result of this crisis, businesses of all sizes are suffering from decreased revenue and an inability to provide the goods and services they normally render.

This Legislature further finds and determines that arts and cultural organizations are being hit particularly hard during this difficult time, as they rely predominantly on revenue generated from providing cultural and arts programming to the public, activities which are inherently contradictory to the social distancing requirements currently in place.

This Legislature finds that the County funds a variety of cultural and arts programs, historical groups and efforts to promote Suffolk County as a film-friendly location through the occupancy tax imposed on hotel and motel rooms located within the County, as authorized by State law, to support cultural tourism.

This Legislature determines that traditionally, the cultural affairs funding provided under the occupancy tax for hotels and motels is specifically for programs and activities and cannot be used for operating expenses.

This Legislature further determines that historic groups and film promotion funding is often provided by the County under the hotel and motel occupancy tax for specific projects, as opposed to operation expenses.

This Legislature also finds that in these trying times, this requirement should be made more flexible to allow organizations which receive this funding to use the allocated funds for operating expenses.

This Legislature further finds that allowing for the short-term use of hotel motel tax funds for operating expenses will help ensure that these organizations will still be in existence to provide these vitally important programs and services once this emergency has subsided.

Therefore, the purpose of this law is to amend Article II of Chapter 523 to provide organizations which receive funding from the County's hotel and motel tax the flexibility to utilize their funds for operating expenses in the year 2020.

Section 2. Amendments.

Chapter 523 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 523. Hotels and Motels.

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Article II. Hotel and Motel Occupancy Tax.

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§ 523-15. Distribution of tax revenues.

All revenues resulting from the imposition of the tax payable hereunder shall be paid into the treasury of the County of Suffolk and shall be distributed within 30 days after receipt by the County under the following formula:

- A. Twenty-four percent of all revenues collected, but not more than \$2,000,000 per fiscal year, shall be delivered to the tourism promotion agency which the County of Suffolk contracts with pursuant to the provisions of § 523-14A of this article.
- B. Ten percent of all revenues shall be utilized by the County of Suffolk in support of cultural programs and activities relevant to the continuation and enhancement of the tourism industry. Beginning in Fiscal Year 2011, this amount may be increased by the County Legislature by 1% each fiscal year, to an amount not to exceed 15% of all revenues collected, as the County Legislature reduces the allocation for the purposes set forth in Subsection C of this section. For the year 2020, any organization which receives funding under this paragraph may utilize such funds for either operating expenses and/or programs and activities.

* * * *

- D. Eight percent of all revenues collected shall be utilized by the County of Suffolk for the support of other museums and historical societies, historic residences and historic birthplaces, provided that of such 8% an amount equal to 1 1/2% of all revenues collected shall be utilized for program support of the Walt Whitman Birthplace State Historic Site and Interpretative Center. For the year 2020, any organization which

receives funding under this paragraph may utilize such funds for either operating expenses and/or programs and activities.

* * * *

F. Not more than 2% of all revenues collected shall be utilized for the promotion of Suffolk County as a film-friendly location through the Department of Economic Development and Workforce Housing. For the year 2020, any organization which receives funding under this paragraph may utilize such funds for either operating expenses and/or programs and activities. Annually, the Department of Economic Development and Workforce Housing shall submit to the County Executive and the County Legislature a report on its progress in promoting Suffolk County as a film-friendly location and annual statistics of the revenue generated pursuant to this subsection.

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Section 3. Applicability.

This law shall apply to all 2020 contracts for funding pursuant to Article II of Chapter 523 between the County and any organization which receives funding pursuant to § 523-15(B), (D) or (F) of the SUFFOLK COUNTY CODE.

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

After a public hearing duly held on June 22, 2020
Filed with the Secretary of State on July 15, 2020