

Intro. Res. No. 1519-2020  
Introduced by Legislator Richberg

Laid on Table 6/9/2020

**RESOLUTION NO. 575 -2020, ADOPTING LOCAL LAW  
NO. 40-2020, A CHARTER LAW TO CLARIFY RESIDENCY  
REQUIREMENTS FOR LEGISLATORS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 9, 2020 a proposed local law entitled, "**A CHARTER LAW TO CLARIFY RESIDENCY REQUIREMENTS FOR LEGISLATORS**"; now, therefore be it

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

**LOCAL LAW NO. 40-2020, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO CLARIFY RESIDENCY REQUIREMENTS  
FOR LEGISLATORS**

**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 individuals elected to serve as members of the Suffolk County Legislature serve in their positions as advocates for the best interests of the constituents residing in their legislative districts.

This Legislature also finds and determines that the SUFFOLK COUNTY CHARTER contains the residency requirements that qualify an individual to be elected as a County Legislator, which includes residency in-district at the time of nomination.

This Legislature further finds and determines that legislators should be deeply familiar with the community that they wish to represent so they may effectively advocate on behalf of their constituents.

This Legislature finds that individuals elected to the Suffolk County Legislature should be required to reside in the legislative district that they represent for at least one year prior to their election.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to clarify that a legislator must live in the legislative district which he or she represents for at least one year prior to his or her election.

**Section 2. Amendment.**

Section 2-4 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**Article II. County Legislature.**

\* \* \* \*

**§ C2-4. Qualification of Legislators.**

A. A County Legislator shall have been a resident of the County and legislative district represented for at least one year immediately preceding his or her election and shall maintain a residence in the County legislative district which he or she represents during his or her entire term of office and at the time of his or her nomination or designation for such office. The requirement for residence in a legislative district for one year immediately preceding election and at the time of nomination or designation for such office shall not apply in a year in which Legislators are running in newly apportioned legislative districts if such individual Legislator has been nominated or designated to run in a legislative district whose geographical boundaries are different from the geographical boundaries for the one to which he or she has been elected to represent for the year during which such new nomination or designation is made. "Residence" shall mean that place where a person maintains a fixed, permanent and principal home; maintains a regular physical presence; and to which he or she, wherever temporarily located, always intends to return.

\* \* \* \*

**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 not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption

there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Sections 10(1)(a)(13) and 24(1)(a) and (2)(j) of the NEW YORK MUNICIPAL HOME RULE LAW, and upon filing in the office of the Secretary of State.

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

DATED: July 21, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: August 21, 2020

After a public hearing duly held on August 3, 2020  
Filed with the Secretary of State on October 9, 2020