

Introduced by Legislators Richberg, Gonzalez, Berland, Fleming, Hahn, Calarco, Trotta, Spencer, Anker, Caracappa, Krupski, Piccirillo, McCaffrey, Cilmi, Flotteron, Donnelly and Kennedy

RESOLUTION NO. 412-2021, DIRECTING THE SUFFOLK COUNTY CLERK TO DEVELOP AND IMPLEMENT A PROCEDURE FOR THE MODIFICATION OF DEEDS CONTAINING UNENFORCEABLE RESTRICTIVE COVENANTS

WHEREAS, the Fair Housing Act of 1968 (“Act”) prohibited the use and enforceability of covenants, which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry; and

WHEREAS, although these restrictive covenants were banned, the Act did not require the restrictive language to be eliminated from existing deeds; and

WHEREAS, even though the discriminatory covenants in existing deeds are unenforceable, the presence of such language in official documents is offensive and unnecessary; and

WHEREAS, current or prospective property owners who wish to remove offensive restrictive covenant language must pay a fee to legally modify the deed with the County Clerk’s Office; and

WHEREAS, in order to facilitate and encourage property owners in Suffolk County to remove offensive restrictive covenants from their deeds going forward, the County Clerk should develop a form which property owners may use to remove offensive discriminatory covenants prohibited under the Fair Housing Act of 1968; now, therefore be it

1st RESOLVED, that the Suffolk County Clerk is hereby authorized, empowered, and directed to develop and provide to the public with a form document which will allow current property owners with existing deeds or prospective property purchasers who are in contract and wish to request removal of restrictive covenants from their property deeds which discriminate on the basis of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry, which were deemed unenforceable by the Fair Housing Act of 1968; and be it further

2nd RESOLVED, that upon receipt by the Clerk’s Office, the form requesting removal of the unenforceable restrictive covenant shall be filed with the present deed and all future conveyances of the parcel shall have the unenforceable restrictive covenant removed from the deed; and be it further

3rd RESOLVED, there shall be no fee associated with the filing of the form requesting removal of unenforceable restrictive covenants in the Clerk’s Office; and be it further

4th RESOLVED, that the Suffolk County Clerk’s Office shall maintain a database of all properties for which request to remove restrictive covenants pursuant to this Resolution are received, including the following information about each parcel: the physical address and tax map number of the parcel, the date of addition of the unenforceable restrictive covenant, and

the date the property owner requested removal of the unenforceable restrictive covenant; and be it further

5th **RESOLVED**, that the Suffolk County Clerk and the County Legislature shall each publicize the enactment of this legislation and provide public outreach to ensure that property owners in Suffolk County are aware of their ability to request removal of these restrictive covenants from their properties the procedures therefor; and be it further

6th **RESOLVED**, that this Resolution shall take effect immediately; and be it further

7th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(26) and (33) 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 insofar as these actions constitute routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment, and 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 resolution.

DATED: May 11, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 19, 2021