

Intro. Res. No. 1627-2021

Laid on Table 7/27/2021

Introduced by Legislators Richberg, Mazzarella, Anker, Hahn, Caracappa, Kennedy and Spencer

**RESOLUTION NO. 917-2021, ADOPTING LOCAL LAW
NO. 30-2021, A LOCAL LAW TO ADDRESS RENTAL FRAUD
IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 27, 2021, a proposed local law entitled, "**A LOCAL LAW TO ADDRESS RENTAL FRAUD IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 30-2021, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ADDRESS RENTAL FRAUD IN SUFFOLK
COUNTY**

**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 the County of Suffolk works to protect the safety and welfare of all County residents.

This Legislature also finds and determines that an alarming trend has developed recently whereby individuals fraudulently hold themselves out as property owners for vacant and foreclosed upon properties for the purposes of renting those locations to unsuspecting residents.

This Legislature further finds and determines that these fraudulent landlords often rent out homes to vulnerable County residents in need of housing and provide substandard living conditions, jeopardizing the health and safety of these individuals while making profit from properties they have no legitimate interest in.

This Legislature finds that to deter this unscrupulous and dangerous activity, the County should criminalize the rental of residential and commercial properties by individuals who have no ownership interest in a parcel or authority from the owner to rent or lease the property.

Therefore, the purpose of this law is to amend Chapter 696 of the SUFFOLK COUNTY CODE to criminalize the fraudulent rental of real property by individuals who are not authorized to engage in such activity.

Section 2. Amendments.

Chapter 696 of the SUFFOLK COUNTY CODE is hereby amended to add a new Article III as follows:

Chapter 696. Rental Properties.

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Article III. Prevention of Rental Fraud.

§ 696-10. Definitions.

As used in this law, the following term shall have the meanings indicated:

PERSON – any natural individual, firm, partnership, corporation, association, company or organization of any kind.

§ 696-11. Prohibitions.

No person shall rent, lease or solicit for the rental or lease of a residential or commercial real property when the person does not have a verifiable ownership interest or authorization from the owner to rent, lease or sublet the location at issue.

§ 696-12. Proof of interest.

Persons seeking to rent or lease real property may demonstrate either an ownership interest or authorization to rent, lease or sublet real property by providing:

- a. a fully executed and valid deed to the parcel of real property,
- b. a fully executed agreement for the lease or rental of same, or
- c. proof that the person is an agent of the bona fide property owner who is authorized to rent or lease the subject property.

§ 696-13. Penalties.

Violation of this article shall constitute an unclassified misdemeanor subject to a fine of up to \$1,000 and/or up to 6 months imprisonment.

§ 696-14. Applicability.

This law shall apply to all actions occurring on or after the effective date of this article.

Section 3. 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 4. 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), (27) 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 in that the action constitutes 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 5. Effective Date.

This law shall take effect on the thirtieth (30th) day immediately subsequent to filing in the Office of the Secretary of State.

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

DATED: November 16, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 2, 2021

After a public hearing duly held on November 30, 2021
Filed with the Secretary of State on December 15, 2021