

STRICKEN AS OF 10/12/2022

Intro. Res. No. 1335-2022

Laid on Table 4/12/2022

Introduced by Legislators Fleming and Thorne

**RESOLUTION NO. -2022, ADOPTING LOCAL LAW
NO. -2022, A LOCAL LAW TO AMEND ARTICLE 36 OF
THE SUFFOLK COUNTY CODE TO ESTABLISH A
SEARCHABLE LIST OF PARCELS SUITABLE FOR
TRANSFER PURSUANT TO THE NEW YORK STATE
GENERAL MUNICIPAL LAW §72-H TRANSFER PROGRAM IN
ORDER TO INCREASE AWARENESS AND PRIORITIZE THE
CREATION OF AFFORDABLE HOUSING BY MUNICIPALITIES
AND NON-PROFIT ORGANIZATIONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 12, 2022, a proposed local law entitled, "**A LOCAL LAW TO AMEND ARTICLE 36 OF THE SUFFOLK COUNTY CODE TO ESTABLISH A SEARCHABLE LIST OF PARCELS SUITABLE FOR TRANSFER PURSUANT TO THE NEW YORK STATE GENERAL MUNICIPAL LAW §72-H TRANSFER PROGRAM IN ORDER TO INCREASE AWARENESS AND PRIORITIZE THE CREATION OF AFFORDABLE HOUSING BY MUNICIPALITIES AND NON-PROFIT ORGANIZATIONS**"; now, therefore be it

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

LOCAL LAW NO. -2022, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND ARTICLE 36 OF THE SUFFOLK COUNTY
CODE TO ESTABLISH A SEARCHABLE LIST OF PARCELS
SUITABLE FOR TRANSFER PURSUANT TO THE NEW YORK STATE
GENERAL MUNICIPAL LAW §72-H TRANSFER PROGRAM IN ORDER
TO INCREASE AWARENESS AND PRIORITIZE THE CREATION OF
AFFORDABLE HOUSING BY MUNICIPALITIES AND NON-PROFIT
ORGANIZATIONS**

**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 certain habitable improved parcels, uninhabitable improved parcels and vacant parcels are eligible to be transferred by the County to participating municipalities for nominal consideration to be constructed and/or reconstructed for affordable housing purposes pursuant to the New York State General Municipal Law §72-h transfer program.

This Legislature finds that while participating municipalities frequently employ a development plan under which construction or reconstruction for affordable housing purposes under the program may be successfully carried out by a non-profit builder, such municipalities and non-profit builders are often not aware of parcels that may be suitable for affordable housing development with ample time before said parcels are offered for sale at public auction, thereby reducing the possibility that such parcels may be considered for development for

affordable housing purposes.

This Legislature further finds the need for affordable housing has reached crisis proportions throughout Suffolk County. Families and businesses have all felt the repercussions of this challenge as young workers and our elderly have left Long Island for more affordable housing elsewhere.

This Legislature desires to enable municipalities and non-profits to participate in the §72-h transfer program more easily, to encourage the reconstruction of tax delinquent properties for affordable housing purposes, to establish housing for people in need, and to accelerate local affordable housing development.

This Legislature further finds that in order to encourage non-profit partnership and participation with municipalities in constructing affordable housing, and to aid in providing more efficient transfers of §72-h properties while also accelerating local affordable housing development, meeting the needs of struggling Long Islanders and achieving a sustainable and affordable community for future generations, it is prudent to provide greater transparency and accessibility of information regarding tax defaulted parcels which may be suitable for affordable housing development to municipalities and non-profit organizations with ample time before such parcels are offered for sale at public auction.

This Legislature further finds therefore that it is prudent to establish a Potential Affordable Housing Database for the §72-h transfer program that will provide municipalities and non-profit organizations a list of available tax delinquent parcels, categorized by township, that will allow said non-profit organizations an opportunity to express an interest to the relevant municipality to develop said properties for affordable housing purposes, before said properties are sold at public auction.

Section 2. Amendments.

Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article XXXVI. Affordable Housing

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§ A36-2 Suffolk County housing opportunities programs.

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B. New York State General Municipal Law § 72-h Transfer Program.

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(6) Establishment of Potential Affordable Housing Database.

- (a) the Department shall establish a searchable Potential Affordable Housing Database, to be provided to municipalities and non-profit affordable housing developers 90 days before said properties are sold for public

auction, in order to provide non-profit organizations an opportunity to express an interest to the relevant municipality to develop said properties for affordable housing purposes. The database shall list all parcels:

(i) in tax default which may be suitable for affordable housing development under the §72- H transfer program, categorized by township, or

(ii) which have previously been transferred to towns for affordable housing, but not yet been developed, listing the status of said parcels.

(b) Prior to September 1 of each year, the Commissioner shall compose a list of relevant non-profit organizations, which shall be limited to organizations with a history of successful affordable housing development, subject to notification under §B(6)(a) of this Article:

(i) in order to establish a list of eligible non-profits, Suffolk County Department of Real Estate shall create and issue a request for qualifications (RFQ) for non-profit affordable housing providers, which RFQ shall require at a minimum:

(a) current Certification of Good Standing from New York State Department of State;

(b) letter of support from the towns in which they do business;

(c) proof of funds to complete a minimum of one construction/rehabilitation project; and

(d) proof of successful past projects.

(ii) approved non-profits will be required to sign an agreement:

(a) committing to not publicizing the list prior to publication by Suffolk County;

(b) acknowledging the County makes no representations towards, buildability, clear title, encroachment and zoning;

(c) acknowledging that Suffolk County will not respond to any direct requests for property, all requests for property must be made to the appropriate town or village and the County cannot legally transfer any property to a non-profit under the §72-h Municipal Transfer Law.

(c) The Commissioner may promulgate such Rules as may reasonably effectuate this section, which Rules shall be presented to the Presiding Officer of the Legislature and posted online prior to September 1 of each year.

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(7) Annual Report.

The Department shall provide a report on or prior to September 1 of each year to the Presiding Officer of the Legislature regarding the status of the §72-h transfer program which shall include a listing of all parcels transferred to towns under the program within the previous calendar year, according to township, and the status of each parcel, as well as which have previously been transferred to Towns but not yet developed, listing the status of said parcels.

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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), (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 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:

APPROVED BY:

County Executive of Suffolk County

Date: