

57-20

OFFICE OF THE
DEMOCRATIC MINORITY



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Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel 

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: February 24, 2020

Re: A LOCAL LAW TO AMEND TITLE 87 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY TO REQUIRE COOPERATIVE HOUSING CORPORATIONS TO FURNISH REASONS FOR REJECTING APPLICATIONS BY PROSPECTIVE PURCHASERS TO FACILITATE THE ENFORCEMENT OF FAIR HOUSING AND ANTI-DISCRIMINATION LAWS IN NASSAU COUNTY

Attached please find the above referenced proposed local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.


RECEIVED
NASSAU COUNTY
OFFICE OF THE CLERK OF THE LEGISLATURE
2020 FEB 24 P 12:23

Introduced by: Legislator Siela A. Bynoe

Co-Sponsors: Minority Leader Kevan Abrahams and Legislators Carrié Solages, Debra Mulé, Delia DeRiggi-Whitton, Arnold W. Drucker and Joshua A. Lafazan

PROPOSED LOCAL LAW -2020

A LOCAL LAW TO AMEND TITLE 87 OF THE MISCELLANOUES LAWS OF NASSAU COUNTY TO REQUIRE COOPERATIVE HOUSING CORPORATONS TO FURNISH REASONS FOR REJECTING APPLICATIONS BY PROSPECTIVE PURCHASERS TO FACILITATE THE ENFORCEMENT OF FAIR HOUSING AND ANTI-DISCRIMINATION LAWS IN NASSAU COUNTY

APPROVED AS TO FORM

PETER J. CLINES MINORITY COUNSEL

2020 FEB 24 P 0:23
NASSAU COUNTY
OFFICE OF THE CLERK

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. Title 87 of the Miscellaneous Laws of Nassau County is amended as follows:

TITLE 87

A LAW TO REQUIRE COOPERATIVE HOUSING CORPORATIONS TO TAKE TIMELY ACTION UPON APPLICATIONS BY PROSPECTIVE PURCHASERS AND FACILITATE THE ENFORCEMENT OF FAIR HOUSING AND ANTI-DISCRIMINATION LAWS IN NASSAU COUNTY

Section 1. **Legislative Intent.** The purpose of this law is to require Cooperative Housing Corporations in Nassau County to take action upon applications for the purchase of an ownership interest in such corporations pursuant to the time requirements defined by this statute. **Additionally, in order to facilitate the enforcement of fair housing and anti-discrimination laws, the law requires boards of Cooperative Housing Corporations to furnish a specific reason for rejecting applicants.**

§2. Applications for Purchase.

- A. The governing board of any Cooperative Housing Corporation, incorporated as such in the State of New York and that exercises control over real property located in the County of Nassau, shall include the following notification in all applications provided or made available to prospective purchasers for the purchase of shares of the Cooperative Housing Corporation's stock:

NOTICE

Pursuant to [Local Law XX-2019] **Title 87** of the Miscellaneous Laws of Nassau County, the governing board of this Cooperative Housing Corporation shall, within fifteen (15) days of the receipt of this application, either acknowledge to you, the applicant, that the application has been properly completed or notify you of any defect that you must cure before the application can be considered complete.

Upon receipt of a properly completed application, the governing board of this Cooperative Housing Corporation shall within forty-five (45) days either reject or approve the application **and send you, the applicant, written notice of its decision. In the event the application is rejected, such notice shall specify the reason for the rejection.**

The failure of the governing board of this Cooperative Housing Corporation to abide by the terms of [Local Law XX-2019] **Title 87 of the Miscellaneous Laws of Nassau County** could result in fines and penalties levied against it and entitle you, the applicant, to a full refund of any fees, payments or assessments required by the Cooperative Housing Corporation pursuant to the application process.

If you believe a Cooperative Housing Corporation has violated [Local Law XX-2019] **Title 87 of the Miscellaneous Laws of Nassau County**, complaints may be made to the:

Nassau County Department of Consumer Affairs
240 Old Country Road, 3rd Floor
Mineola, New York 11501

Or by telephone to the Nassau County Department of Consumer Affairs at (516) 571-2600.

- B. Within fifteen (15) days of the receipt of a purchaser's application, the governing board of the Cooperative Housing Corporation shall either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any defect in the application. Where the governing board has informed a prospective purchaser of a defect in an application, upon resubmission of the application, the

governing board shall have fifteen (15) days to either acknowledge to the prospective purchaser that it is in receipt of a properly completed application or inform the prospective purchaser of any uncured defect in the resubmitted application.

- C. Within forty-five (45) days of its receipt of a properly completed application, such governing board shall either reject or approve the application[.] **and provide written notice of its decision to the prospective purchaser. In the event the prospective purchaser is rejected, such notice shall specify the reason or reasons for the prospective purchaser's rejection.**
- D. The failure of the Cooperative Housing Corporation to reject or approve an application in accordance with this Local Law **or to provide the written notice mandated in subsection C of this section** shall constitute a violation. Violations of this Local Law shall be punishable as follows:
 - i. A written warning for the first offense;
 - ii. One thousand dollars (\$1,000) for the second offense; and
 - iii. Two thousand dollars (\$2,000) for the third and any subsequent offense.
- E. In addition, upon failure of a Cooperative Housing Corporation to reject or approve an application in accordance with this Local Law, **including the failure to provide the written notice mandated in subsection C of this section,** such Cooperative Housing Corporation shall refund the prospective purchaser any and all fees, payments or assessments required pursuant to the Cooperative Housing Corporation's application process.
- F. It shall be the duty of the Nassau County Department of Consumer Affairs to receive and investigate complaints and levy and enforce penalties and refunds for alleged violations of this Local Law. **With respect to alleged failures to provide the written notice mandated in subsection C of this section, the Nassau County Human Rights Commission shall have concurrent jurisdiction to investigate complaints and levy and enforce penalties and refunds.**

§3. Reverse Preemption. This law shall be null and void the day that a statewide or federal law goes into effect incorporating either the same or substantially similar provisions contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Nassau. The County Legislature may determine by resolution whether an identical or substantially similar state or federal law has been enacted for the purposes of triggering this section.

§4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§5. S.E.Q.R.A. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(33) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

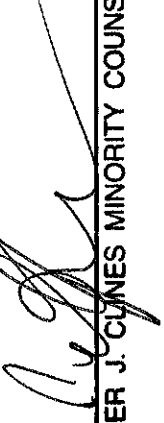
§6. Effective date. This local law shall take effect immediately.

Introduced by: Legislator Siela A. Bynoe

Co-Sponsors: Minority Leader Kevan Abrahams and Legislators Carrié Solages, Debra Mulé, Delia DeRiggi-Whitton, Arnold W. Drucker and Joshua A. Lafazan

LOCAL LAW -2020

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APPROVED AS TO FORM

PETER J. CYNES MINORITY COUNSEL

2020 FEB 24 PM 4:25
CLERK OF THE COUNTY OF NASSAU

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. Title 87 of the Miscellaneous Laws of Nassau County is amended as follows:

TITLE 87

A LAW TO REQUIRE COOPERATIVE HOUSING CORPORATIONS TO TAKE TIMELY ACTION UPON APPLICATIONS BY PROSPECTIVE PURCHASERS AND FACILITATE THE ENFORCEMENT OF FAIR HOUSING AND ANTI-DISCRIMINATION LAWS IN NASSAU COUNTY

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or inform the prospective purchaser of any uncured defect in the resubmitted application.

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