

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 1 – 2013

A LOCAL LAW TO PROVIDE RELIEF FROM FEES CHARGED BY THE VARIOUS DEPARTMENTS OF COUNTY GOVERNMENT TO THE VICTIMS OF HURRICANE/SUPER STORM SANDY

Passed by the Nassau County Legislature on February 25, 2013
Voting: ayes: 19 nays: 0 abstained: 0

Became a law on February 28, 2013 with the approval of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

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

Section 1: A new Title 79 is hereby added to the Miscellaneous Laws of Nassau County as follows:

TITLE 79 – FEE RELIEF FOR HURRICANE/SUPER STORM SANDY VICTIMS

§ 1. Legislative Intent

The effects of Hurricane/Super Storm Sandy continue to present hardships to Nassau County residents and business owners. Nassau County Government is committed to assisting County residents in rebuilding their lives and businesses and wishes to do all that it can to facilitate the rebuilding effort. Unfortunately, some of the fees charged by the various departments of County Government for permits or other services necessary for rebuilding pose an economic hardship for County residents and business owners who are already struggling

financially. In light of these difficulties, it is in the best interests of the County to provide for a waiver of certain fees for permits or other services required in connection with the rebuilding effort and to refund any fees remitted for said permits or services.

§ 2. Definitions.

“Applicant” shall mean (1) any individual who has been issued a Federal Emergency Management Agency (“FEMA”) identification or case number in connection with damage to their property between October 29, 2012 and February 27, 2013, or any amended filing deadline for federal disaster relief in connection with Hurricane/Super Storm Sandy as set by FEMA who requests a waiver of a fee charged by a department of County Government or (2) an officer of any firm, partnership, association, LLC, corporation or other similar entity who requests a waiver of a fee charged to said entity by a department of County Government.

“Department head” shall mean any commissioner, director, or other chief officer of a department of County Government including, but not limited to, the Department of Public Works and the Department of Health.

“Private insurance policy” shall mean any insurance policy that was not procured through FEMA or any other Federal or State governmental entity.

“Services” shall include any tasks required to be performed by County employees or individuals contracted by County departments including, but not limited to, inspections and certifications of work performed by an applicant or contractor.

§ 3. Fee Relief for Victims of Hurricane/Super Storm Sandy

(a) Notwithstanding any other provision of law, the fees set forth in subsection (f) of this section shall be waived upon a showing of good cause by an applicant. Good cause shall be demonstrated by a notarized document addressed to the department head from the applicant

stating that the permit or service is necessary due to the effects of Hurricane/Super Storm Sandy. Applicants invoking the provisions of this section in their individual capacity for damages to private property shall include a FEMA identification or case number in their statement of good cause.

(b) Applicants shall be entitled to a refund for those fees set forth in subsection (f) of this section that were remitted for permits or services necessary for repairs or construction in connection with the effects of Hurricane/Super Storm Sandy. Refunds shall be obtained by sending, via certified or registered mail, evidence of payment and a showing of good cause to the department head responsible for the permit or service. Evidence of payment shall be demonstrated by the presentation of a copy of a receipt issued by the department in question or a copy of a permit issued in the name of the applicant. Good cause shall be demonstrated in the manner set forth in subsection (a) of this section. Upon certification of a valid claim for a refund the department head shall direct the County Treasurer to issue a refund to the applicant.

(c) Notwithstanding the provisions of this section, no applicant shall be entitled to a refund or waiver of any fee covered by a private insurance policy or by any Federal, State, or local disaster relief assistance. Applicants shall state in their notarized document showing good cause for a waiver or refund whether they have received any reimbursement for fees paid under a private insurance policy, if their private insurance policy covers any fees that would be the subject of a waiver, or if they have obtained Federal, State, or local disaster relief assistance that explicitly covers any fee subject to the provisions of this section.

(d) Department heads are hereby authorized to promulgate rules and regulations that are necessary to carry out the provisions and purpose of this section.

(e) No waiver or refund of fees pursuant to this section shall be granted after December 31, 2013.

(f) Fees for the following permits or services may be waived or refunded to an applicant pursuant to this section:

(i) Sewer disconnection and/or reconnection permits issued by the Department of Public Works

(ii) Pre-demolition building inspection by the Department of Health

(iii) "Block" indexing and re-indexing of instruments presented to the County Clerk for recording

§ 4. This Local Law shall not apply to fees charged for permits or services which are not required or performed in connection with Hurricane/Super Storm Sandy or any fee imposed pursuant to Federal or State law.

§ 5. Department heads shall keep accurate records of each fee waived and shall seek reimbursement for the waived or refunded fees to the extent provided by Federal and State law.

§ 6. Any applicant that provides false information in connection with a request for a waiver or refund shall be guilty of a class A misdemeanor and subject to a fine of five thousand dollars and/or imprisonment for not more than one year in addition to any other penalty provided by law.

§ 7. In the event of any renumbering of the titles contained within the Miscellaneous Laws of Nassau County by the County Attorney's Office or any other agency of government, no further legislative action shall be necessary to maintain the effectiveness of this title.

§ 8. Severability. If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall

not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 2. 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)(20) of 6 N.Y.C.R.R. ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment"), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 3. Effective Date. This local law shall take effect immediately.

APPROVED



County Executive

DATE 2/28/2013