

LOCAL LAW NO. 6 OF 2023

COUNTY OF ROCKLAND

STATE OF NEW YORK

(Sponsors: Hon. Jay Hood, Jr., Hon. James J. Foley)

HOOD, JR./ENTIRE LEGISLATURE: UNAN.

A local law establishing restrictions on the operation of municipal governments outside the County of Rockland to ensure cooperation and the sanctity of home rule.

Be it enacted by the Legislature of the County of Rockland, State of New York as follows:

Section 1. Common Name of Local Law and Legislative Intent

This Local Law shall be known as the "Home Rule Autonomy in Housing Act".

This Legislature has concluded that the autonomy of the County of Rockland must be preserved in the face of pressures from outside municipalities. In this day, with easy transportation and communication, past barriers have fallen. It is easy, and in some cases practical, for outside municipalities to open facilities and conduct operations in our County.

The people of Rockland elect their officers, this Legislature, the County Executive, town supervisors, village mayors, and their respective boards, to govern here and implement policies our population enjoys. When public officials from other municipalities export their policies to our County, it is as if that other municipality is now governing here, in any facility they operate, without the assent or acknowledgment of the County or the local governments.

This is a law to allow the public officials of Rockland County, in the County of Rockland, Town and Village governments, and authorities, school, sewer, fire, and ambulance districts, and other interested agencies, to weigh in on issues.

Elected officials from outside municipalities are elected to serve the interests of their constituents, not the people of Rockland County. It is this County government, along with the local municipal governments, districts, and authorities with which it works closely, that are responsible to protect the life, liberty, and property of all County residents – old and new, long- and short-term – by working with outside municipalities to develop and implement County-approved plans to address the health, safety, welfare, education and housing concerns of persons coming to this County as a result of the outside municipality's housing program.

There are issues that neither State nor municipal law ever contemplated, but which matter to the residents of this County who elect local officials to represent their interests. By ensuring local input, this local law ensures good government and planning for the consequences of the actions of these outside governments.

Section 2. Codification

This section shall be codified in the Laws of Rockland County (LORC), Chapter 289, *Housing*, Article III, *Home Rule and Intergovernmental Cooperation in Housing Programs*.

Section 3. The Home Rule and Intergovernmental Cooperation in Housing Programs Act

§ 289-29 Definitions

COUNTY EXECUTIVE

The County Executive of the County of Rockland.

COUNTY LEGISLATURE

The Legislature of the County of Rockland.

GOVERNING BOARD

The governing board of a municipality as defined by NYS General Municipal Law § 2; except that with respect to the County of Rockland, it is the County Legislature.

HOUSING PROGRAM

Any government program, or a program of a private person or entity, which purports to pay, directly or indirectly, in full, in part, or by subsidy, the housing costs for an individual, group of individuals, by cash payments, vouchers, contract, or similar device, where payments are made directly or indirectly to program participants, landlords, or a landlord's agents. Such programs do not include any program established by Federal or State law, where that program contains provisions for intergovernmental planning and cooperation. It further does not include any arrangement by an individual making such payments to or on behalf of a family member.

MUNICIPALITY

A municipal corporation as defined by NYS General Municipal Law § 2.

OUTSIDE MUNICIPALITY

Any municipality, as defined herein, not located within Rockland County.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, municipality (as defined herein), or any other legal or commercial entity of any kind or description.

SOCIAL SERVICES HOUSING

Temporary housing authorized or regulated by NYS Social Services Law § 62.

§ 289-30 Regulation of social services housing and housing programs.

A. Requirements for social services housing.

1. No person may establish social services housing in Rockland County without adhering to the requirements of all applicable statutes, laws, regulations, and rules of the United States of America, New York State, the County of Rockland and any affected municipality, for the establishment of such social services housing and all related Administrative Directives of the NYS Office of Temporary and Disability Assistance, including but not limited to NYS Social Services Law Art. 2-A, and Art. 3, Titles 1 and 2; 18 NYCRR Parts 352, 491 and 9000; NYS Office of Temporary and Disability Assistance Administrative Directive 6-ADM-07; and all state and local zoning and building laws, rules, and regulations.

2. No person may establish or operate, or cause another to establish or operate, social services housing in Rockland County without a license issued to the person by the County Executive, which license must be approved by the Legislature of Rockland County and the governing board of the Rockland County municipality where the social services housing facility will be located. In addition, where the social service housing is wholly or partly funded by an outside municipality, the license must be approved by the governing board of the outside municipality operating, or causing another to operate, the social services housing.
3. No property owner or other person with authority over a property in Rockland County, such as a tenant, property manager, agent, or broker, may allow or participate in a social services housing program operated or caused to be operated at such person's property without a license for the owner of the property, issued to the person by the County Executive, which license must be approved by the Legislature of Rockland County and the governing board of the Rockland County municipality where the social services housing facility will be located. In addition, where the social services housing is wholly or partly funded by a municipality, the license must be approved by the governing board of the municipality operating, or causing another to operate, the social services housing.
4. Any license for a municipality's social services housing program issued by the County Executive must, among any other requirements, ensure that the life, liberty, and property of the people of this County are protected, contain terms and conditions sufficient for the County to:
 - a. obtain data sufficient to gauge the effect of the social services housing on the County's residents, municipalities, districts, and authorities; and
 - b. secure the health, safety, welfare, and education needs of the people residing in the County, whether for the short- or long-term, including those persons intending to reside in any social services housing, and ensure that the outside municipality establishing the social services housing engages in a plan acceptable to the County for the long-term health, safety, welfare, education and housing of persons coming to and residing in this County as a result of the outside municipality's program; and

- c. if the social services housing is funded wholly or partly by an outside municipality, require payments from the outside municipality engaging in the social services housing sufficient to offset the cost of the municipality's social services housing to the County's residents, municipalities, districts, and authorities. The payments will be disbursed to the taxing jurisdictions that levied taxes against the property.
 - 5. The County Executive may delegate the responsibilities related to the issuance of licenses to any other County officer or employee.
- B. Requirements for housing programs.
- 1. No person may establish or operate, or cause another to establish or operate, a housing program at a property in Rockland County without a license issued to the person by the County Executive, which license must be approved by the Legislature of Rockland County and the governing board of the Rockland County municipality where the housing program facility will be located. In addition, where the housing program is wholly or partly funded by an outside municipality, the license must be approved by the governing board of the outside municipality operating, or causing another to operate, the housing program.
 - 2. No property owner or other person with authority over a property in Rockland County, such as a tenant, property manager, agent, or broker, may allow or participate in a housing program operated or caused to be operated at such person's property in Rockland County without a license for the owner of the property, issued to the person by the County Executive, which license must be approved by the Legislature of Rockland County and the governing board of the Rockland County municipality where the housing program facility will be located. In addition, where the housing program is wholly or partly funded by a municipality, the license must be approved by the governing board of the municipality operating, or causing another to operate, the housing program.
 - 3. Any license for a municipality's housing program issued by the County Executive must, among any other requirements, ensure that the life, liberty, and property of the people of this County are protected, contain terms and conditions sufficient for the County to:

- a. obtain data sufficient to gauge the effect of the housing program on the County's residents, municipalities, districts, and authorities; and
 - b. secure the health, safety, welfare, and education needs of the people residing in the County, whether for the short- or long-term, including those persons intending to reside in any social services housing, and ensure that the outside municipality establishing the housing program engages in a plan acceptable to the County for the long-term health, safety, welfare, education and housing of persons coming to and residing in this County as a result of the housing program; and
 - c. if the program is funded wholly or partly by an outside municipality, require payments from the outside municipality engaging in the housing program sufficient to offset the cost of the municipality's social services housing program to the County's residents, municipalities, districts, and authorities. The payments will be disbursed to the taxing jurisdictions that levy taxes against the property.
- 4. The County Executive may delegate the responsibilities related to the issuance of licenses to any other County officer or employee.
- C. It is prohibited to operate any social services housing or housing program in Rockland County, which program is discriminatory on the basis of: age, alienage or citizenship status, color, creed/religion, disability, family status, gender/gender identity/expression, lawful occupation, lawful source of income, marital status, national origin, partnership status, race, or sexual orientation.
- D. It is prohibited to operate any social services housing or housing program in Rockland County, which program is discriminatory on the basis of: age, alienage or citizenship status, color, creed/religion, disability, family status, gender/gender identity/expression, lawful occupation, lawful source of income, marital status, national origin, partnership status, race, or sexual orientation.

§ 289-31 Remedies.

A. Criminal Penalties.

Regardless of any other remedy or relief brought by the County of Rockland or its officers for any violation of this Article, any person, violating the provisions of this Article or causing any other person to violate this Article, has committed a Class A Misdemeanor punishable by a fine not to exceed \$1,000 and/or up to one year of incarceration for each day or part thereof during which such violation continues.

B. Civil penalties.

1. Regardless of any other remedy or relief brought by the County of Rockland for any violation of this Article, any municipality and/or any person who violates any provision of this Article is liable to a civil penalty, to be determined by a process outlined in rules and regulations promulgated by the County Executive or any other County of Rockland officer or employee to whom the County Executive may delegate said authority.
2. For individuals and private persons, a civil penalty may be assessed for violations of this Article up to \$5,000 per violation for each day or part thereof during any period of time during which such violation continues.
3. For municipal corporations, a civil penalty may be assessed for violations of this Article up to \$50,000 per violation for each day or part thereof during any period of time during which such violation continues.
4. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the County of Rockland and initiated by the County Executive or other employee or officer designated by the County Executive.

C. Abatement.

Regardless of any other remedy or relief brought by the County of Rockland for any violation of this Article, the County Executive may cause actions or proceedings to be commenced in the name of the County of Rockland, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Article.

§ 289-32 Remedies not exclusive.

- A. No remedy or penalty specified in this Article shall be the exclusive remedy or remedy available to address any violation described in this Article.
- B. Each remedy or penalty specified in this Article is in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Article or in any other applicable law.
- C. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article or in any other applicable law.

§ 289-33 Powers of the County Executive.

- A. The County Executive is authorized to:
 - 1. Promulgate rules and regulations to implement this Article. All rules and regulations and any subsequent amendments are not effective until approved by the County Legislature;
 - 2. Conduct investigations and take testimony regarding the subject matter of this Article; and
 - 3. Delegate any powers or responsibilities granted by this Article to appropriate public officers or employees of the County.
- B. The County Executive must:
 - 1. Report to the County Legislature the commencement and result of each investigation commenced pursuant to this Article;
 - 2. Report to the County Legislature each referral for criminal prosecution, and the commencement of each lawsuit or administrative proceeding.

§ 289-34 Effective Date And Sunset Provision

- A. This Article shall have no retroactive effect and shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.
- B. Unless extended by Local Law, this Local Law shall not extend beyond four years from the effective date.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Chapter, 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, for any reason, which remaining portions shall continue in full force and effect.

Section 6. Determination on referenda.

Upon the advice of the County Attorney, we do not direct that this local law be subject to any mandatory referendum or referendum on petition. It is a law to implement police powers as per NYS Municipal Home Rule Law §§ 10(1)(a)(11), (12), and 10(4)(b) which does not require any referendum.

Section 7. Effective Date.

This local law shall take effect immediately upon its filing in the office of the New York State Secretary of State

10/03/2023 TH
10/3/2023 ELY
10/4/2023 TH
10/5/2023 ELY
10/5/2023 TH
10/6/2023, 10/18/2023/dmg
10/19/2023, 10/25/2023/dmg


STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 24th day of October 2023 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

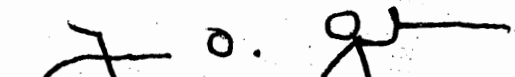
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 25th day of October 2023.

Date sent to the County Executive:
October 25, 2023



Edwin J. Day, County Executive
County of Rockland



Laurence O. Toole, Clerk
Rockland County Legislature

10/26/23

Date