

**WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING
IMPLEMENTATION PLAN**
August 9, 2010

Appendix C-2: A copy of the First Right of Refusal legislative package now pending before the BOL

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee urges the adoption of “A LOCAL LAW clarifying the Laws of Westchester County to specifically exempt the sale and/or transfer of county-owned property to further fair and affordable housing from a municipality’s right of first refusal.”

Pursuant to Paragraph 25(c) of the Stipulation and Settlement and Dismissal entered in U.S. ex rel. Anti-Discrimination Center v. Westchester (Stipulation), the County of Westchester agreed to “amend County law to eliminate a municipality’s right of first refusal with respect to fair and affordable housing land purchases by the County”.

According to the Laws of Westchester County §209.101(8) entitled “Care and control of county property”, the County has the right to utilize County-owned property for county purposes. The proposed legislation merely clarifies and confirms that the sale and/or transfer of county-owned property for the purposes of furthering fair and affordable housing is not subject to the provisions relating to a municipality’s right of first refusal.

Finally, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The Department of Planning has advised that this proposed Local Law does not constitute an action as defined in the SEQRA regulations (6 NYCRR §617.2(b)) and therefore no further environmental review is required. Your Committee concurs.

In light of the aforementioned, Your Committee recommends the adoption of this proposed local law.

COMMITTEE ON

RESOLUTION NO. - 2010

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2010 entitled "A LOCAL LAW clarifying the Laws of Westchester County to specifically exempt the sale and/or transfer of county-owned property to further fair and affordable housing from a municipality's right of first refusal." The public hearing will be held at _____ m. on the _____ day of _____, 2010, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. -2010

A LOCAL LAW clarifying the Laws of Westchester County to specifically exempt the sale and/or transfer of county-owned property to further fair and affordable housing from a municipality's right of first refusal.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Paragraph "b" of subsection 8 of Section 209.101 of the Laws of Westchester County is hereby amended to read as follows:

b. [No r]Real property of the county which is no longer required for any county purpose may not be sold to any person or private entity unless any city, town or village in the County of Westchester in which such real property is situated shall first have been offered, in writing, the opportunity to purchase such property subject to the following conditions:

(1) For use in perpetuity for park and municipal recreation purposes for the sum of \$1.00;

(2) For other municipal purposes at the current appraised value determined by the Board of Legislators, or for no more than the same consideration for which it is proposed to be sold to a person or private entity, whichever is less;

(3) Deeds conveying real property to a city, town or village pursuant to either (1) or (2) above shall include clauses specifying the purpose for which the

property is being conveyed and reverting the property to the county if it is not utilized for the specific purpose enumerated by (1) or (2) within five years or at any time that such specifically enumerated use ceases;

(4) Such city, town or village shall exercise its right to make such a purchase within 90 days of its receipt of such written offer from the county or within any greater length of time that may be provided for in a written agreement of the county with such city, town or village;

(5) The right conferred by this section shall not be deemed to curtail any right of first refusal granted by the county in an agreement executed on or prior to December 31, 2000; however, in the event that any such contractually granted right of first refusal is not exercised by the grantee, the preceding provisions shall then apply; and

(6) the offer to purchase any such real property of the county made to any city, town or village in the County of Westchester in which such real property is situated, shall not constitute a right to purchase and such offer may be withdrawn by the county at any time.

(7) County-owned real property which is to be sold and/or transferred for the primary purpose of providing fair and affordable housing is not subject to the right of first refusal conferred by this section.

§2. The Clerk of the Board, as soon as practicable after the adoption of this Local Law, shall cause a notice to be published as least once in one or more newspapers published

in the County of Westchester, selected by the Clerk for that purpose, said notice to contain the number, date of adoption and a true copy of this Local Law and a statement that this Local Law, which changes a provision of law relating to the alienation of real property of the County, is subject to a referendum on petition pursuant to the provisions of Sections 209.171 (7) and 209.181 of the Westchester County Administrative Code and Section 24(2)(g) of the Municipal Home Rule Law.

§3. This Local Law shall take effect sixty (60) days after its adoption.