**Model Law for Charter County Land Leases**

 **Local Law No. [#] of the year 20[##]**

A local law authorizing the County of [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_], notwithstanding Section 215 of County Law of the State of New York, to enter into a lease of County-owned real property for a specific project for a term of up to 45 years.

SECTION 1. Purpose

The County of [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_] seeks to enter into an agreement with [Developer], which agreement shall lease real property owned by the County of [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_] for an initial term of twenty-five years and four additional optional terms of five years each.

SECTION 2. Legal Authority

New York State County Law Section 215(5) provides that, after determining that a property is no longer needed for public use, a County may sell the property or lease the property for a term not to exceed five years.

New York State Comptroller Opinion 91-27 opines that, pursuant to County Law Section 2(b), a County that has adopted an alternative form of county government pursuant to Article IX, Section 2 of the New York State Constitution (i.e., a Charter County), may enter into leases for a term in excess of five years if the county authorizes such leases by local law.

New York State Municipal Home Rule Law Section 24 provides that any local law that changes a provision of law relating to leasing of real property is subject to referendum on petition (permissive referendum).

SECTION 3. Applicability

The County of [\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_], which is a Charter County, is authorized, notwithstanding Section 215 of the County Law of the State of New York, which is hereby superseded, to enter into a lease of County-owned real property for a specific project for a term of up to [45] years.

This Local Law is applicable to the specific project with [Developer].

SECTION 4. Effective Date

Notice of the adoption of this local law subject to permissive referendum shall be published in the official newspaper of the County.

This Local Law shall take effect at the end of the permissive referendum period upon filing in the Office of the Secretary of State, and if a permissive referendum is held, upon approval at the permissive referendum upon filing in the Office of the Secretary of State.