



Monroe County Legislature

VINCENT ESPOSITO

LEGISLATOR - DISTRICT 16

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September 6, 2011

To The Honorable
Monroe County Legislature
39 West Main Street
Rochester, New York 14614

Re: Notification of Sex Offender Registry to Home Buyers and Renters

Honorable Legislators:

In 1996, New York State passed the Sex Offender Notification Act, commonly known as "Megan's Law," which requires anyone on parole or probation or anyone imprisoned for a sex offense to register with the Division of Criminal Justice Services (DCJS), who maintains a database of sex offenders for the public at: <http://criminaljustice.state.ny.us/nsor/>.

Megan's Law also requires the DCJS to notify local law enforcement whenever a registered sex offender relocates into their jurisdiction and it allows those law enforcement officials to disseminate that information to vulnerable populations, such as school districts. In Monroe County, virtually all local school districts will then mail their students' families the public information about sex offenders in their community.

While most residents are thereby informed when a registered sex offender moves into their neighborhood, there is no similar notification for prospective homebuyers or renters that are looking to move to a residence where a registered sex offender already lives. In 2000, the New York Court of Appeals ruled that Megan's Law did not require property sellers or their real estate agent to disclose information about nearby registered sex offenders under the "caveat emptor" doctrine, which means "buyer beware."



Therefore, in order to protect families that want to move into Monroe County, we propose the adopting of a local law, entitled the "Home Buyer and Renter Notification Act," requiring all licensed real estate agents and/or professionals to provide potential home buyers and renters documentation about the availability of public databases maintained by law enforcement authorities on the location of registered sex offenders, including but not limited to the New York State Sex Offender Registry.

The specific legislative action required:

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law amending the Article 2 of Chapter 260 of Part IV, General Local Laws the Monroe County Charter & Administrative Code, as attached.

This proposal shall have no impact on the revenues and/or expenditures of the current Monroe County Budget.

Respectfully submitted,



Vincent Esposito
Legislator – District 16



Ted O'Brien
Democratic Minority Leader



Carrie M. Andrews
Assistant Minority Leader



Calvin Lee, Jr.
Assistant Minority Leader



Richard A. Beebe
Legislator – District 6



Travis R. Heider
Legislator – District 14



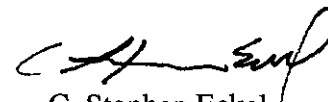
Glenn J. Gamble
Legislator - District 22



Paul E. Haney
Legislator – District 23



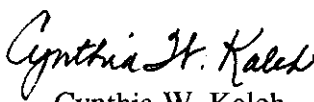
Joshua Bauroth
Legislator – District 24



C. Stephen Eckel
Legislator – District 26



Willie Joe Lightfoot
Legislator – District 27



Cynthia W. Kaleh
Legislator – District 28



Saul A. Maneiro
Legislator – District 29

By Legislators _____ and _____

Intro. No. _____

LOCAL LAW NO. _____ OF 2011

A LOCAL LAW ENTITLED "HOME BUYER AND RENTER NOTIFICATION ACT".

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Article 2 is added to Chapter 260, "House Sales or Rentals," of Part IV General Local Laws of the Monroe County Charter & Administrative Code

§260-3 Title.

This article shall be known as the law "Home Buyer and Renter Notification Act."

§260-4 Purpose.

The purpose of this article is to protect prospective home buyers and renters in Monroe County by providing them with the necessary information and accessibility to public resources for notification and location of registered sex offenders.

§260-5 Requiring Notification

All licensed real estate agents and/or professionals are hereby required to provide potential home buyers and renters in Monroe County documentation containing the availability of databases maintained by law enforcement authorities on the location of registered sex offenders, including but not limited to the New York State Sex Offender Registry. Documentation should be provided at first substantive contact between a potential buyer or renter and a potential buyer's or tenant's agent.

Section 2. This local law shall take effect in accordance with the provisions of Section 21 of the Municipal Home Rule Law and immediately upon filing in the office of the Secretary of State as provided for in Section 27 of the Municipal Home Rule Law.

File No. 11-0_____LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____