Please note that this application must be printed on legal size

Suffolk County Sewer Agency Application

Edward P. Romaine
Suffolk County Executive

(Please note that items No. 1-3 will be filled out by the Agency)

Application Type

(Choose One)

☐ **Formal Approval -** *(Projects Which Have Completed SEQRA)*

☐ **Conceptual Certification** - *(Projects Which Have Not Completed SEQRA)*

☐ **Formal Approval - Time Extension – (***Time Extension to complete Agreement-projects with prior Agency approval)* *

☐ **Conceptual Certification** - **Time Extension – (***Time Extension to complete SEQRA-projects with prior Agency Approval)* *

*[*1] - Please note that applications for Time Extensions must be submitted prior to the expiration of latest approval. Otherwise, applications with expired approval will be considered as if it is a new application.*

1. SCDPW Project #: _____ 2. Application Received: _____ 3. Application Processed: _____

4. Applicant Name: _____ 5. Corporation Name: _____

6. Telephone No.: _____ 7. Address: _____ 8. City: _____

9. Federal ID No.: _____ 10. Email Address: _____

11. Project Plat Name: _____ 12. Project Location: _____

13. Real Property Tax Map #(s): _____, _____, (Note: Use additional Sheets if necessary) _____,_____,_____

14. Exact address of ALL owners of the land. *If individuals, give home address. If corporation, give corporation address, plus name, email, and office in the corporation held by party who will execute Agreement with Agency. In addition, please furnish names of all principals of corporation.* ***THIS IS NOT OPTIONAL****. (Attach additional sheets as necessary).*

_____

_____ **Email Address:** _____

15. Project Attorney: _____

_____ **Email Address:** _____

16. Project Engineer/Professional: _____

_____ **Email Address:** _____

17. Project Area in Acres: _____ No. of Plots: _____ No. Units: _____ Gallons/day: *[2] _____

*[2] Calculation based on SCDHS Standards

18. Type of Development:

☐ a. Subdivision - Residential ☐ b. Subdivision – Commercial
☐ c. Subdivision – Industrial ☐ d. HOA Subdivision ☐ e. Condominium
☐ f. Garden Apartments ☐ g. Shopping Center ☐ h. Planned Retirement Community
☐ i. Combination of above letters ___ and ____ ☐ j. Other _____

19. The following must accompany the application:

A. Check in the amount of $1000.00 payable to Suffolk County Comptroller.

B. Copy of deed in the name of number 4 (above).

C. Copy of Lead Agency's SEQRA Declaration.

D. Date application submitted to the SCDHS: _____ SCDHS Project #: _____

(Note: The SCDHS application (for formal approval applications) must be submitted prior to the Agency meeting. Failure to do so may result in the removal of the application from the Agency agenda. For Agency applications for conceptual certification, depending on their scope, SCDHS will advise on the need for submission of an application to their office prior to processing of the Agency application)

E. Other pertinent information, i.e. site plan and/or survey, or SCDHS Board of Review Determination.

F. Is the applicant currently in contract to sell or buy the subject property? Yes _____ No _____

20a. Is the project connecting to a County Sewage Treatment Plant? _____, Sewer District No.: _____

20b. Is the project subject to Suffolk County Local Law 20-2007 - Affordable Housing? _____ **20c.** ☐ %

20d. If the project has affordable housing (based on County and/or Town requirements), enter percentage in box 20c and describe what the income limits are and state the period of affordability:(20D) SEE FOOTNOTES _____

_____

20e. Number of units reserved for Veterans Housing? *[3] _____ **20f.** Number of units reserved for People with Intellectual and Developmental Disabilities? *[3] _____ **20g**. Number of units reserved for People with Physical Disabilities? *[3] _____

The applicant certifies that the applicable zoning and variances have been secured from the Town and that the applicant has reviewed *Local Law 18-2024 (attached)*.

_____	_____	_____	_____
Applicant's Printed name	Signature	Title	Date

Notes:

[1] - Please note that applications for Time Extensions must be submitted within 30 days of the expiration of latest approval. Otherwise, applications with expired approval will be considered as if it is a new application.

[2] - Calculation based on SCDHS Standards

[3] - Affordable housing considerations for connection to a Suffolk County Sewer District: Developer must set aside (at a minimum): (for additional details, Resolution No. 311-2024 – Local Law No. 18-2024, attached)

The project must set aside at a minimum of 15% of affordable units to be occupied by:

- *10% of units must at a Minimum be occupied by persons and families whose income does not exceed 80% of the HUD-established median income limits adjusted by family size for the Nassau-Suffolk PMSA;*
- *5% of units must at a Minimum be occupied by persons and families whose income does not exceed 100% of the HUD-established median income limits adjusted by family size for the Nassau-Suffolk PMSA;*
- For Items 20e, 20f & 20g each category must have a minimum of 5 units but no more than 10% of total number of units in development (whichever is less) set aside as affordable units.

Note: Incomplete Applications Will Not Be Processed

Please return application to:
Suffolk County Sewer Agency
335 Yaphank Avenue
Yaphank, NY 11980
Attn: Douglas Haussel

Intro. Res. No. 1013-2024 Laid on Table 1/2/2024
Introduced by Legislators Caracappa, Gonzalez, Richberg and Mazzarella

RESOLUTION NO. 311-2024, ADOPTING LOCAL LAW NO. 18-2024, A LOCAL LAW TO AMEND CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH SEWERS AND TO AMEND ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAMS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 2, 2024, a proposed local law entitled, "**A LOCAL LAW TO AMEND CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH SEWERS AND TO AMEND ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAMS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that the said local law be enacted in form as follows:

LOCAL LAW NO. 18-2024, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND CHAPTER 740 OF THE SUFFOLK COUNTY CODE IN CONNECTION WITH SEWERS AND TO AMEND ARTICLE XXXVI OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAMS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK; as follows:

Section 1. Legislative Intent.

This Legislature finds that it is the longstanding policy of the County of Suffolk to actively encourage the creation of affordable workforce housing; accordingly, this Legislature has enacted a series of laws designed to encourage the construction of affordable housing units.

This Legislature also finds that Local Law No. 14-2017 requires developers of residential housing who seek to connect to an existing County sewer district from outside the district, to set aside at least 15% of the proposed development units for affordable housing.

This Legislature finds that a provision of Chapter 740 of the Suffolk County Code that was amended by Local Law No. 14-2017 requiring that affordable housing units be set aside for homebuyers or renters in a manner which conformed to income requirements set forth in the Suffolk County Administrative Code incorrectly referenced the wrong section of the Suffolk County Administrative Code and the Legislature now seeks to correct that administrative error.

This Legislature further finds that the County's Affordable Housing law codified in the County Administrative Code should be amended to align with County policies requiring thresholds of area median income ("AMI").

Therefore, the purpose of this law is to amend Chapter 740 of the SUFFOLK COUNTY CODE and Article XXXVI of the SUFFOLK COUNTY ADMINISTRATIVE CODE to align with County policies concerning AMI and affordable unit requirements and to clarify the affordability requirements for developers or residential housing who seek to connect to an existing County sewer district from outside the district.

Section 2. Amendments.

I. Chapter 740 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 740. Sewers

* * * *

Article VIII. General Provisions

* * * *

§ 740-45. Connection by premises outside district.

* * * *

C. Affordable housing considerations.

(1) **[**No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into unless, in the case of a residential housing development or a development that includes a residential component, which consists of 10 or more units only, the housing development or component is comprised of no less than 15% of units that are set aside for homebuyers or renters in a manner which conforms with the income requirements set forth in § A36-2D(2)(c) of the Suffolk County Administrative Code. The affordable unit shall be constructed at the site of the development that is connecting to a County sewer district facility.**]**
No contract between the Administrator and an applicant from outside the geographical boundaries of a district may be entered into unless, in the case of a new residential housing development or a development that includes a new residential component, which consists of 10 or more units only, the housing development or component is comprised of no less than 15% of units that are set aside for homebuyers or renters in the following manner:

a. 10% of units, must, at a minimum, be occupied by persons and families whose income does not exceed 80% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA;

b. 5% of units, must, at a minimum be occupied by persons and families whose income does not exceed 100% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA;

c. the maximum rent to be charged for rental units shall not exceed what is set forth in § A36-2(D)((2)(d)(7);

d. the maximum sales price to be charged for home ownership units shall not exceed what is set forth in § A36-2B(2)(a)[1][c];

e. must meet the requirements of § A36-2(D)(2)(a),(g), and (h) of the Suffolk County Administrative Code, and

f. the affordable unit or units shall be constructed at the site of the development that is connecting to a County sewer district facility.

* * * *

(3) Upon approval of a contract with the Administrator, a covenant shall be filed and recorded on the **[**deed of those units that are required to be set aside pursuant to Subsection C(1) of this section,**]** real property of the development subject to Subsection C(1) of this section, that the applicable number of units have been set aside for affordable housing which covenant or covenants shall contain the following restrictions:

a. Said unit or units shall be restricted for use as affordable housing units, defined for purposes of this section as units which are set aside for homebuyers or renters in a manner which conforms with the income requirements set forth **[**in § A36-2D(2)(c) of the Suffolk County Administrative Code,**]** in Subsection C(1) and the period of affordability must meet or exceed the longest affordability period required by any involved municipal jurisdiction, including periods of affordability set forth in Section A36-2D(2) of the Suffolk Administrative Code. If there be no such involved municipal jurisdiction with an affordability period, such period shall be for the length of the sewer connection agreement. [above for a period of 15 years from the date of filing of the covenant or covenants].

* * * *

(4) The normal connection fee for a residential housing development which satisfies these affordable housing requirements, set forth herein, shall be reduced in accordance with the following schedule:

Percentage of Development Units that are Affordable at 80% AMI or below	**Reduction in Connection Fee**
15%	15%
20%	20%
25%	[26%] 25%

Percentage of Development Units that are Affordable at 80% AMI or below	Reduction in Connection Fee
30%	[32%] 30%
35%	[38%] 35%
40%	[44%] 40%
45%	[50%] 45%
50%	[56%] 50%
55%	[62%] 55%
60%	[68%] 60%
65%	[74%] 65%
70%	[80%] 70%
75%	[100%] 75%
80%	80%
85%	85%
90%	90%
95%	95%
100%	100%

In addition to the above referenced reductions, an additional 10% reduction off the connection fee shall be granted if at least 75% of the affordable units are occupied by persons and families whose income does not exceed 60% of the HUD-established median income limits, adjusted by family size, for the Nassau-Suffolk PMSA. An additional 20% reduction off the connection fee shall be granted if 80% of the affordable units are occupied by persons and families whose income does not exceed 60% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA.

II. Article XXXVI of the SUFFOLK COUNTY CODE is hereby amended as follows:

Article XXXVI. Affordable Housing

* * * *

§ A36-2. Suffolk County housing opportunities programs

* * * *

(D) Workforce housing and affordable housing programs other than the New York State General Municipal Law § 72-h transfer programs.

*** * * ***

(2) Program requirements.

* * * *

(d) Deed restrictions for all housing subsidized pursuant to this section, other than the New York State General Municipal Law § 72-h transfer program for homeowners displaced by natural disaster, must reflect the following guidelines:

[1] Any deed restrictions set forth in § A36-2B of this article that are more restrictive than those set forth in this section shall take precedence.

[2] Both owner-occupied and rental housing will be eligible to receive assistance. Preference will be given to projects of 10 or more units.

[3] Income limits.

[a] **[**Fifty percent of a**]** All County funded **[**units, including owner-occupied and**]** rental housing units, must, at a minimum, be occupied by persons and families whose income does not exceed [120%] 80% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA. **[**, and 50% of all units must, at a minimum, be occupied by persons and families whose income does not exceed 80% of the HUD-established median income limits, adjusted by family size, for the Nassau-Suffolk PMSA or any municipally approved affordable requirement that restricts occupancy to households whose income does not exceed 120% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA.**]** The Developer, with the approval of the Town in which the project is located, may petition the Commissioner or designee to allow up to 20% of the County-subsidized affordable units to be occupied by persons and families whose income does not exceed 120% of the HUD-established median income limits, adjusted by family size, for the Nassau-Suffolk PMSA. The Commissioner or designee's shall forward their recommendation and such petition for approval or disapproval to the Suffolk County Legislature by procedural resolution.

* * * *

[c] All owner-occupied County funded units must, at a minimum, be occupied by persons and families whose income does not exceed 100% of the HUD-established median income limits, adjusted by family size for the Nassau-Suffolk PMSA. The Developer, with the approval of the Town in which the project is located, may petition the Commissioner or designee, to allow up to 20% of the County-subsidized affordable units to be occupied by persons and families whose income does not exceed 120% of the HUD-established median income limits, adjusted by family size, for the Nassau-Suffolk PMSA. Upon the Director's recommendation, such a petition shall be approved by the Suffolk County Legislature.

* * * *

(g) In order for a property to receive any workforce housing funding offered by Suffolk County, the property must contain the following supportive housing: at least five units for individuals who are veterans who meet the income requirements, whose total is no more than 10% of the total affordable units in the development, whichever is less. Said units are to be spread throughout the development. **[**These units shall be in perpetuity as referenced in § A36-2D(2)(a).**]** The period of affordability of these units shall conform to the requirements of A36-2(D)(2)(a). Extraordinary exceptions to this allocation requirement may be considered by the Suffolk County Director of Affordable Housing, with a written opinion issued by the Suffolk County Veterans Services Agency, and with consent by the Suffolk Legislature.

(h) In order for a property to receive any workforce housing funding offered by Suffolk County, the property must contain the following supportive housing: at least five units set aside for individuals with intellectual/development disabilities as defined by the New York State Office of People with Developmental Disabilities of noncertified housing at up to **[**60%] 80% AMI, whose total is no more than 10% of the total of the affordable units in the development and at least five ground-floor or elevator-accessible units for individuals with disabilities, whose total is no more than 10% of the total affordable units in the development, whichever is less. Said units are to be spread throughout the development [,]. **[**These units shall be in perpetuity as referenced in § A36-2D(2)(a).**]** The period of affordability of these units shall conform to the requirements of A36-2(D)(2)(a). Extraordinary exceptions to this allocation requirement may be considered by the Suffolk County Director of Affordable Housing, with a written opinion issued by the New York State Office of People with Developmental Disabilities or Suffolk County Office of People with Disabilities, and with consent by the Suffolk Legislature.

Section 3. Applicability.

A. The portion of this law affecting Chapter 740 of the Suffolk County Code shall apply to all new applications for formal approval and all applications for conceptual certification,

including time extensions, received by the Suffolk County Sewer Agency on or after the effective date of the law.

B. The portion of this law affecting Article XXXVI of the Suffolk County Code shall apply to all applications received for workforce housing and affordable housing funding received by the County ninety (90) days after the effective date of the law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law 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.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), and/or (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect ninety (90) days after its filing with the Secretary of State.

[ ] Brackets denote deletions.
__ Underlining denotes additions.

DATED: May 7, 2024

APPROVED BY:

/s/ Edward P. Romaine
County Executive of Suffolk County

Date: May 21, 2024

After a public hearing duly held on May 21, 2024
Filed with the Secretary of State on July 30, 2024