

**RESOLUTION NO. 653 -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW TO CLARIFY AFFORDABLE
HOUSING REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 2, 2015, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY AFFORDABLE HOUSING REQUIREMENTS**"; now, therefore be it

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

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO CLARIFY AFFORDABLE HOUSING
REQUIREMENTS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the lack of affordable housing is one of the major contributors to the "brain drain" and one of the chief obstacles to economic growth in Suffolk County.

This Legislature further 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. 20-2007 requires developers of residential housing, who seek to connect with an existing County sewer district from outside the district, to set aside at least 20% of the proposed development units for affordable housing.

This Legislature further finds that Local Law No. 20-2007 did not contemplate the construction of affordable units at a location separate and apart from the development connecting to a County sewer district and, therefore, does not directly address this particular situation.

This Legislature further finds that Local Law No. 20-2007 (codified in Chapter 740 of the SUFFOLK COUNTY CODE) should be amended to clarify that the affordable units of a residential development connecting to a County sewer district should be constructed "onsite" but, in limited circumstances, this policy may be waived by Sewer Agency and the County Legislature.

Therefore, the purpose of this law is to amend Local Law No. 20-2007 to clarify the County's policy on affordable housing as it relates to residential developments connecting to a County sewer district.

Section 2. Amendments.

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

CHAPTER 740: SEWERS

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Article VIII: General Provisions

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§ 740-45 Connection by premises outside district.

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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 20% of units that are set aside for homebuyers or renters whose income does not exceed 120% of the HUD-established median income limit for the Nassau-Suffolk Primary Metropolitan Statistical Area (PMSA) adjusted by family size. The affordable units shall be constructed at the site of the development that is connecting to a County sewer district facility. The Administrator may waive this requirement only in the event that town or village approval of the proposed housing development requires that some or all of the affordable units be constructed offsite, at another location within the town or village; in such case, the Administrator shall ensure that the agreement permitting connection of the applicant's project to a district requires that the affordable units be constructed and completed in a ratio of no less than one affordable unit for every four market-rate units, and that no discharge permits are issued for the market-rate units unless such ratio is maintained.

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Section 3. Applicability.

This law shall apply to applications for connections to a County sewer district received by the Suffolk County Sewer Agency on or after the effective date of this law. Additionally, the provisions of this law shall be given effect and apply to the application of Bayport Meadow Estates which was previously approved by the Suffolk County Sewer Agency by their Resolution No. 1-2015.

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)(20), (21), and/or (27) 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 immediately upon its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: July 28, 2015 **NOT ADOPTED**