

RESOLUTION NO. 1128 -2016, ADOPTING LOCAL LAW NO. 2 -2017, A LOCAL LAW TO FURTHER INCENTIVIZE THE CREATION OF AFFORDABLE HOUSING AND TO CLARIFY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS CONNECTING TO A SEWER DISTRICT

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 5, 2016, a proposed local law entitled, "**A LOCAL LAW TO FURTHER INCENTIVIZE THE CREATION OF AFFORDABLE HOUSING AND TO CLARIFY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS CONNECTING TO A SEWER DISTRICT**"; now, therefore be it

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

LOCAL LAW NO. 2 -2017, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO FURTHER INCENTIVIZE THE CREATION OF AFFORDABLE HOUSING AND TO CLARIFY REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS CONNECTING TO A SEWER DISTRICT

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 an impediment to economic growth in the County of Suffolk.

This Legislature further finds that the County of Suffolk has strived to create incentives that lead to the creation of affordable housing by private developers and not-for-profit agencies.

This Legislature determines that Local Law No. 20-2007 created such an incentive by providing that no residential development outside the geographical boundaries of a sewer district would be permitted to connect to such district unless 20% of the development units were affordable.

This Legislature finds that the County can and should strengthen affordable housing incentives by offering a reduction in sewer connection fees, commensurate with the number of affordable housing units being created.

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 must be constructed onsite.

Therefore, the purpose of this law is to reduce connection fees, on a sliding scale basis, for residential housing developments located outside the geographical boundaries of a

sewer district that connect to such sewer district. Additionally, this law seeks to clarify the County's policy on affordable housing as it relates to residential developments connecting to a sewer district by requiring that such housing be developed onsite.

Section 2. Amendments.

Section 740-45 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 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 ~~[20]~~15% 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.

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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:

<u>Percentage of Development Units that are Affordable</u>	<u>Reduction in Connection Fee</u>
<u>20%</u>	<u>20%</u>
<u>25%</u>	<u>26%</u>
<u>30%</u>	<u>32%</u>
<u>35%</u>	<u>38%</u>
<u>40%</u>	<u>44%</u>
<u>45%</u>	<u>50%</u>
<u>50%</u>	<u>56%</u>
<u>55%</u>	<u>62%</u>
<u>60%</u>	<u>68%</u>
<u>65%</u>	<u>74%</u>
<u>70%</u>	<u>80%</u>
<u>75%</u>	<u>100%</u>

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Section 3. Applicability.

This law shall apply to residential housing projects that obtain formal approval from the Suffolk County Sewer Agency to connect to a County sewer district on or after the effective date of this 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)(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.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language.

DATED: December 20, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: January 9, 2017

After a public hearing duly held on January 3, 2017
Filed with the Secretary of State on January 19, 2017