

**RESOLUTION NO. 239 -2017, ADOPTING LOCAL LAW  
NO. 14 -2017, A LOCAL LAW TO IMPROVE THE COUNTY'S  
AFFORDABLE HOUSING PROGRAMS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 7, 2017, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE COUNTY'S AFFORDABLE HOUSING PROGRAMS**"; now, therefore be it

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

**LOCAL LAW NO. 14 -2017, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW 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 hereby finds and determines that obtaining decent, affordable housing can be difficult for low-and middle-income families in Suffolk County.

This Legislature also finds and determines that Suffolk County makes substantial monetary investments in affordable housing projects to increase the number of units that are available to County residents.

This Legislature determines that some of the housing units built with County support continue to be out of reach for many residents.

This Legislature also determines that existing provisions in County affordable housing laws are not consistent in the application of federal housing cost guidelines across programs and should be amended for clarity.

This Legislature finds that a provision in the Administrative Code currently allows other municipalities to waive affordability guidelines for County funded rental units within their jurisdictions. This provision should be deleted to ensure that rental units remain affordable in housing projects that are County funded.

Therefore, the purpose of this law is clarify affordability requirements in the County's affordable housing programs and eliminate the provision that allows other local governments to waive the County's affordability guidelines for rental units.

**Section 2. Amendments.**

I. Section A36-2 of the SUFFOLK COUNTY ADMINISTRATIVE 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.

\* \* \* \*

(c) 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:

\* \* \* \*

[6] Affordability for funded rental units. Funded [R]rental units shall have maximum rent equal to the HUD-established fair market rent adjusted for bedroom size [established by HUD] for the Nassau-Suffolk PMSA or any municipality-approved fair market rent standard, provided that the gross rent, as defined in 26 U.S. Code §42(g)(2)(B), of said standard does not exceed 30 percent of the 80 percent HUD-established Area Median Income limit for the Nassau-Suffolk PMSA with adjustments for bedroom size not exceeding the HUD policy on occupancy standards under the Fair Housing Act. Funded rental units [and] must remain affordable for at least 10 consecutive years or until the WHS or AHS is repaid to the County, whichever is later.

\* \* \* \*

II. 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 [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.] in a manner which conforms with the income requirements set forth in § A36-2(D)(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.

\* \* \* \*

- (2) Upon approval of a contract with the Administrator, a covenant shall be filed on the deed of those units that are required to be set aside pursuant to Subsection C(1) of this section, 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 [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,] in a manner which conforms with the income requirements set forth in § A36-2(D)(2)(c) of the Suffolk County Administrative Code, for a period of 15 years from the date of filing of the covenant or covenants.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring 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: April 25, 2017

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 11, 2017

After a public hearing duly held on May 8, 2017  
Filed with the Secretary of State on June 7, 2017