

Intro. Res. No. 1882-2020

Laid on Table 11/4/2020

Introduced by Presiding Officer, on request of the County Executive and Legislators Fleming, Sunderman, Piccirillo, Berland

**RESOLUTION NO. 1004 -2020, ADOPTING LOCAL LAW NO. 5-2021, A LOCAL LAW TO FURTHER EXPAND AND AMEND THE GRANT ASSISTANCE PROGRAM FOR THE INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 4, 2020, a proposed local law entitled, "**A LOCAL LAW TO FURTHER EXPAND AND AMEND THE GRANT ASSISTANCE PROGRAM FOR THE INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS**"; now, therefore be it

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

**LOCAL LAW NO. 5-2021, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO FURTHER EXPAND AND AMEND THE GRANT ASSISTANCE PROGRAM FOR THE INSTALLATION OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEMS**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that in 2017, the Suffolk County Legislature adopted Chapter 839 of the Suffolk County Code that established the "Residential Septic Incentive Program" (or "the SIP Program"), which is a grant assistance program for the installation of Innovative and Alternative On-Site Wastewater Treatment Systems ("I/A OWTS"), as one of the initial steps by Suffolk County to address the documented devastating effects of high levels of nitrogen pollution emanating from conventional on-site wastewater systems by incentivizing property owners to voluntarily replace their existing on-site systems.

This Legislature finds and determines that in 2019, the SIP Program was expanded to include additional funding for low to moderate income households, and while successful, the 2019 amendment of the SIP Program also eliminated reimbursement for the design of I/A OWTS.

This Legislature further finds and determines that low to moderate income households may need additional assistance for the payment of the design of these systems, which New York State law requires in order for such systems to be installed, especially in light of the COVID-19 pandemic.

Therefore, the purpose of this law is to increase the amount of the grant award available to low to moderate income households in order to provide additional funding, as funds

are available, for the reimbursement of design services required for the installation of an I/A OWTS.

**Section 2. Amendment.**

Article I of Chapter 839 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 839  
Wastewater Treatment Systems  
ARTICLE I  
RESIDENTIAL INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER TREATMENT  
SYSTEM GRANT ASSISTANCE PROGRAM**

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§ 839-2. Residential program established.

A. The Department is hereby authorized, empowered and directed to establish a grant assistance program to be known as the "Residential Innovative and Alternative On-Site Wastewater Treatment System Grant Assistance Program (the "Residential Septic Incentive Program" or "the Program") to provide funding assistance (the "grant") to eligible residential property owners for the purchase and installation of an I/A OWTS, and in the case of qualifying low- to moderate-income household as set forth in subsection 839-4(B) below, for the design, purchase, an installation of an I/A OWTS.

B. Funds for the Program may be appropriated in Fiscal Year 2017 through Fiscal Year 2021 pursuant to Charter § C12-2D(3). Such funds, when appropriated, shall be dedicated to the Program exclusively for grants and deemed to be used even if not expended in the fiscal year appropriated. Such funds shall be deposited by the Suffolk County Comptroller in a nonlapsing account for the Program consistent with this article. No grant approved shall exceed \$15,000 or \$2[0]5,000 as set forth in § 839-4 below, per residence. [.]

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§ 839-4. Grant eligibility.

A. Geography. Subject to the provisions of § 839-5 A and B, a property owner residing in any area of the County may submit an application for a grant to install a system; provided, however, the Commissioner may authorize, in his sole discretion, preferential review of an application for a grant before all other submitted applications if the grant application is for a residence in an area specified by the Department as set forth in § 839-3A as environmentally sensitive.

B. Grant Amount. Subject to the provisions of subdivision (A) of Section 839-3, and all other provisions of this article, applicants are eligible to receive a grant in the amount of up to \$15,000, however, an applicant is eligible to receive a grant in the amount of up to \$2[0]5,000 where the combined gross household income of all of the property owners of the residence is less than or equal to 80% of the most current area median income ("low- to moderate-income household") as established by the United States Department of Housing and Urban Development. In determining whether an applicant is eligible to receive a grant as a low- to moderate-income household, the Department shall determine the sum of the federal adjusted

gross income of all property owners unless an applicant can adequately demonstrate that a property owner does not reside within the residence.

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§ 839-6. Scope of Grant.

A. The grant award authorized to be given to a property owner shall be limited to the costs actually incurred by a property owner in connection with the purchase, [and] installation, and design services, as set forth in subsection 8 below, of an I/A OWTS. Specific items that will be reimbursed shall include:

- (1) The total cost of the purchase of I/A OWTS materials and necessary components;
- (2) The purchase of electrical components;
- (3) Labor costs incurred in connection with installation of the I/A OWTS and any necessary leaching fields and structures;
- (4) A three-year warranty for the I/A OWTS;
- (5) Three-years of operation and maintenance of the I/A OWTS purchased through the manufacturer/installer;
- (6) Excavation and backfilling;
- (7) Pumping and decommissioning of an existing on-site system; and
- (8) Design services including the preparation of a site plan, installation inspection, as-built surveys, and applicable permitting in an amount of up to \$5,000 for low- to moderate-income households as defined in section 839-4(B) above.

B. Grant funds shall not be used for irrigation repairs, electrical improvements unrelated to I/A OWTS installation, design, except for design costs as set forth in subsection A(8) above, and post-installation landscaping.

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§ 839-8. Authorization of payment to design professional and manufacturer installer.

The Department is authorized, with the consent of the property owner who is approved for a grant award, to make direct payment of the grant proceeds to the manufacturer/installer of the system contracted by the property owner, and in the case of a qualifying low- to moderate-income household as set forth in subsection 839-4(B) to make direct payment of the grant proceeds to the design professional, to the extent that the grant award allows.

§ 839-9. Authorization for loan referral.

The Commissioner is hereby authorized to enter into an agreement with the CDCLI Funding Corporation, upon such terms and conditions as are acceptable to the Department of Law, for the nonexclusive referral of grant awardees for loan assistance in connection with the design, in the case of a qualifying low- to moderate-income household as set forth in subsection 839-4(B), and the installation of an I/A OWTS.

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**Section 3. Applicability.**

This law shall apply to all applications that are pending at the Department of Health Services and all future applications submitted to the Department 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)(26) and (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 immediately upon filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language.

[ ] Brackets denote deletions.

DATED: December 15, 2020

APPROVED BY:

/s/ Lisa Black  
Chief Deputy County Executive of Suffolk County

Date: December 28, 2020

After a public hearing duly held on December 28, 2020  
Filed with the Secretary of State on January 15, 2021