

**RESOLUTION NO. 355 -2015, AUTHORIZING  
AMENDMENTS TO AFFORDABLE HOUSING DEVELOPMENT  
AGREEMENTS FOR MILLENNIUM HILLS TO EXTEND THE  
AFFORDABILITY PERIOD AND TO AMEND THE REPAYMENT  
OBLIGATIONS**

**WHEREAS**, pursuant to Resolution 337-2002, the County of Suffolk and the Town of Huntington executed a Development Agreement and Plan, dated July 15<sup>th</sup>, 2002, pursuant to which real property in the Town of Huntington was acquired for the development of 84 affordable housing units, 44 of which were designated as home ownership and 40 of which were designated as rental units owned by the Millennium Hills Housing Development Fund Corporation ("MHHDFC"), a non-profit housing entity, in the development known as "Millennium Hills"; and

**WHEREAS**, the County subsidized the acquisition of the Subject Premises in the amount of One Million Five Hundred Thousand Dollars(\$1,500,000), and, in connection therewith, is the holder of a certain Note, dated July 16, 2002, in the principal amount of \$1,500,000.00, issued by MHHDFC in favor of the County; and

**WHEREAS**, in accordance with the terms of the Note, the outstanding principal amount has been reduced to \$714,285.84; and

**WHEREAS**, in consideration of the County granting the land development subsidy, the 40 rental units were required to remain affordable for 15 years (until July 1<sup>st</sup>, 2017), at which time, the Note would become due and payable in full; and

**WHEREAS**, MHHDFC is a not-for-profit entity with limited financial resources and has communicated to the County that it is unable to repay the Note and, in addition, they believed the Note would be forgiven following the expiration of the affordability period; and

**WHEREAS**, Article 36-2 (E) (2) of the Suffolk County Code provides that a land development subsidy may be forgiven under certain circumstances, and, in fact, such subsidies are usually forgiven by the County at the end of a required period of affordability, which is typically 30 years in duration; and

**WHEREAS**, MHHDFC has agreed to extend the affordability period of the 40 affordable rental units for an additional 15-year period in consideration of the County's promise to forgive the obligation to repay the Note following the expiration of the extended affordability period, provided MHHDFC is not in breach of the affordability restrictions as outlined in the Development Agreement and Plan and Note; and

**WHEREAS**, it is necessary to obtain the approval of the Legislature in order to amend the Development Agreement and Plan and the Note to reflect the understandings set forth in this Resolution; now, therefore be it

**1st RESOLVED**, that the period of affordability with respect to the affordable rental units at Millennium Hills will be extended for an additional 15-year period and, accordingly, shall expire on July 1, 2032; and be it further

**2nd**           **RESOLVED**, that the land development subsidy shall be forgiven following the expiration of the extended affordability period, provided that MHHDFC is not in default of the affordability restrictions, and a new promissory note reflecting the new terms and conditions shall be executed and delivered by MHHDFC evidencing same; and be it further

**3rd**           **RESOLVED**, that the Development Agreement and Plan, and the documents executed and delivered in connection therewith, may be amended to reflect the foregoing, and the County Executive, the Department of Economic Development and Planning, its Commissioner, its Director of Real Estate and the County Attorney are each hereby authorized, empowered and directed to negotiate, execute and deliver such agreements as may be necessary or desirable, consistent herewith, in order to amend the Development Agreement and Plan and the Note and to effectuate the purposes and intent of the resolutions set forth herein; and be it further

**4th**           **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (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, and 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 resolution.

DATED:

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 21, 2015