

**STRICKEN AS OF 7/4/2016**

Intro. Res. No. 1027-2016  
Introduced by Legislator Calarco

Laid on Table 1/4/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW  
NO. -2016, A LOCAL LAW TO CLARIFY AFFORDABLE  
HOUSING REQUIREMENTS AT DEVELOPMENTS  
CONNECTING TO A COUNTY SEWER DISTRICT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2016 a proposed local law entitled, "**A LOCAL LAW TO CLARIFY AFFORDABLE HOUSING REQUIREMENTS AT DEVELOPMENTS CONNECTING TO A COUNTY SEWER DISTRICT**"; now, therefore be it

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

**LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO CLARIFY AFFORDABLE HOUSING  
REQUIREMENTS AT DEVELOPMENTS CONNECTING TO A  
COUNTY SEWER DISTRICT**

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

**Section 1. Legislative Intent.**

This Legislature 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 to 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 finds that to ensure that the creation of affordable housing units produces economically diverse and, therefore, stronger communities, it is important that affordable and market rate units are developed in the same location.

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 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 and to require that such housing be developed onsite.

**Section 2. Amendments.**

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% 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.

\* \* \* \*

**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.

**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:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: