

**Rules and Regulations of the Commissioner of the Suffolk County  
Department of Health Services  
for  
New Residential Construction Innovative and Alternative OnSite Wastewater  
Treatment System Grant Assistance Program**

**R. 840-1.1 Definitions.**

Commissioner – The Commissioner of the Suffolk County Department of Health Services.

Department – The Suffolk County Department of Health Services.

Design Professional – A person licensed to practice engineering or architecture in New York State by the State Education Department in accordance with article 145 or article 147 of title VIII of the New York State Education Law, respectively, and who is currently registered with the New York State Education Department.

Design Services – Services provided by a Design Professional for the Design and Permitting of Approved Innovative and Alternative Onsite Wastewater Treatment Systems (I/A OWTS) accordance with SCDHS “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Single-Family Residences” and SCDHS “Standards for Procedures for the Replacement and Retrofits of Existing Sewage Disposal Systems for Single-Family and Other than Single-Family Residences.”

Developed Residential Parcel – Any parcel located wholly or partially in the County of Suffolk, and may legally be used for permanent residential purposes under the local town or village code, as the case may be, and the Sanitary Code.

Developer – a natural person, firm, partnership, corporation, trust, trustee, association, company or other legal entity that is the property owner of a residential parcel in Suffolk County on which it is constructing a new residence for sale.

Grant – County Funding assistance to an eligible Developer for the design, purchase, and installation of an Innovative and Alternative Onsite Wastewater Treatment System.

Grant Agreement – The agreement between the County and the Grant Awardee.

Grant Application – The applications submitted by a Developer for a Grant to assist with the purchase and installation of an Innovative and Alternative Onsite Wastewater Treatment System.

Grant Awardee – Developer that has been approved for Grant funding pursuant to Suffolk County Resolution No. 963-2021, as may be amended.

Grant Certificate – Certificate issued pursuant to these Rules and Regulations.

**Green Builds** – construction of a new residence on a previously undeveloped residential parcel within Suffolk County.

**Infill Builds** - construction of a new residence on a previously developed residential parcel within Suffolk County, including building within unused and underutilized lands within an existing development.

**Innovative and Alternative Onsite Wastewater Treatment System (or “I/A OWTS” or “System”)**  
– An onsite decentralized wastewater treatment system that meets the requirements and standards for nitrogen removal as set forth in Article 19 of the Sanitary Code and associated Standards.

**Inspector Certification** – letter issued by the Department stating that Department’s inspection of the installation of the I/A OWTS indicated that the I/A OWTS appears to be installed in conformance with the Department’s “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Single-Family Residences” (latest revision) and/or the Department’s approved permit to construct a sewage disposal system for a single-family dwelling and has been approved for backfilling.

**Manufacturer/Installer** – A manufacturer, dealer or seller of innovative and alternative onsite wastewater treatment systems that has been approved for use by the Department in accordance with the Sanitary Code who, in addition, whether directly or through contracted services, provides comprehensive installation and maintenance of such systems in accordance with all state and local laws and regulations.

**New Residence** - A new single-family dwelling unit that is under construction on a residential parcel, in compliance with the relevant local town or village code or the Sanitary Code.

**Property Owner** - A natural person, firm, partnership, corporation, trust, trustee, association, company or other legal entity capable of owning real property who is the current record owner in fee of the new residence or undeveloped or developed residential parcel for which a grant application is made.

**Residential Parcel** - Any parcel located wholly or partially in the County of Suffolk, which may legally be used for permanent residential purposes under the local town or village code, as the case may be, or the Sanitary Code.

**Undeveloped Residential Parcel** - Raw land that is a vacant area without any public utilities or buildings.

**Sanitary Code** – The Suffolk County Sanitary Code and any duly enacted amendments thereto.

**R. 840-2.1 New Residential Septic Program established; I/A OWTS Grant Assistance Program.**

A.) A temporary grant assistance program for the installation of innovative and alternative on-site wastewater treatment systems for the construction of new residential properties is hereby established, to be known as the "New Residential Construction Innovative and Alternative On-Site Wastewater Treatment System Grant Assistance Program" (the "New Residential Septic Incentive Program" or "the Program"). The Program is available to Developer meeting the qualifications under as defined in Suffolk County Resolution No. 963-2021 and set forth in these Rules and Regulations.

B.) The Program shall be administered by the Department consistent with Suffolk County Resolution No. 963-2021, as may be amended and set forth in these Rules and Regulations.

**R. 840-2.2 Funding.**

A.) No Program Grant approved and made to a Grant Awardee shall exceed \$20,000 per Residence.

B.) Disbursement of Grant funds shall be subject to: an approved application, including all required documentation and accompanying forms and execution by the County and each Grant Awardee of a Grant Agreement;

C.) Installation and sale must occur within two years of the full execution of the Grant Agreement but Developer may request an extension, in writing, to the Department Commissioner. The Department Commissioner may, in his sole discretion, extend the term of the Grant Agreement to allow additional time for installation and sale.

**D.) Return of Grant Funds.** If the Developer does not submit the proof required by Section 6 Suffolk County Resolution No. 963-2021 then the Developer must return all Grant funds to the County, forthwith. Such Section 6 requires the following to be provided in the times indicated:

- (1) Proof of notification to the homebuyer, in writing, that the Developer received a Program grant, the purpose of the Program grant, and the amount of such grant. Proof must include a copy of the notification sent to the homebuyer along with the signature of the homebuyer acknowledging receipt of the notification. The signature must match the signature on file for proof of home sale.
- (2) Within 180 days of the residential sale date, the Developer shall provide:
  - a. Proof that the sale price shall not exceed 110% of the median cost of a single-family home in Suffolk County as determined by the August 2021 OneKeyMLS Regional Market Data report. Proof shall consist of the deed of sale; and
  - b. The final System design and installation invoice(s), with sufficient detail to document the approved costs under the Grant pursuant to R. 840-6.1 of the Rules and Regulations.

**R. 840-3. Powers and duties. Reserved.**

**R. 840-4.1 Grant eligibility; generally.**

A.) Upon compliance with all terms and conditions of Suffolk County Resolution No. 963-2021, as may be amended and as set forth in these Rules and Regulations, Grants may be made to Grant Awardees. A Grant Application shall be submitted by an applicant pursuant to **R. 840-5.1 et seq.**

B.) For the Grant to be issued, a residential parcel must:

- (1) Be owned by the Developer. For sale of a new residence that occurred between July 1, 2021 and the date of application submission, the Developer must show proof that it was the Property Owner at the time of the installation of the I/A OWTS;
- (2) Be a single and separate tax lot on the 1981 tax maps or be an individual tax lot under a land division approved by the Department.
- (3) Meet the definition of “infill build” or “green build” as defined within these Rules and Regulations; and,
- (4) not have any open real property tax liens;
- (5) No Developer may receive a grant for a residential parcel that is already connected to a public or private sewer, located within an existing sewer district, or located within a proposed sewer expansion area;
- (6) No Developer may receive a grant for a residential parcel that has received or has an active grant application under the Suffolk County Septic Improvement Program (as established by Suffolk County Local Law No. 15-2017, as amended) or the New York State Septic System Replacement Program.

**R. 840-4.2 Grant eligibility; financial.**

Grant applicants are eligible to receive a grant in the amount of up to \$10,000 towards the design, purchase, and installation of an I/A OWTS for “green builds” and up to \$20,000 towards the design, purchase, and installation of an I/A OWTS for “infill builds”.

**R. 840-4.4 Grant eligibility; other.**

A.) An application for a grant may be made by any Developer for a residential parcel within the County of Suffolk on which a new residence will be built, subject to the following limitations:

- (1) No Developer may receive a grant if the sale of the new residence occurred prior to July 1, 2021;
- (2) No Developer shall be eligible to receive a grant or, if grant has already been disbursed, entitled to retain such grant, where the total sale price of the new residence is greater than 110% of the median cost of a single-family home in Suffolk County as determined by the August 2021 OneKeyMLS Regional Market Data report.

**R. 840-5.1 Application process; generally.**

A.) Each Grant Application shall be submitted online through <https://www.suffolkcountyny.gov/GAP> or delivered by mail or in person to the Department at the

Suffolk County Department of Health Services  
New Residential Construction Grant Assistance Program  
Office of Ecology  
360 Yaphank Avenue, Suite 2B  
Yaphank, New York 11980

B.) On a regular basis, the Department will review Grant Applications received to determine whether each application is complete. For the purposes of these Rules and Regulations, an Application is complete when:

- (1) The Department has received all information and documentation required to be submitted with the Application;
- (2) The Department, or authorized designee, has verified that the applicant(s) is(are) the owner(s) of the Residential Parcel;
- (3) The Department, or authorized designee, has verified that the Residential Parcel has no outstanding or open real property tax liens.
- (4) The Department has determined that the applicant is not otherwise ineligible for the Grant pursuant to Suffolk County Resolution No. 963-2021, as may be amended, or these Rules and Regulations; and

C.) Grant Issuance Priority Order

(1) After the Grant Application is deemed complete by the Department, Grant Certificates will be issued in priority order based on the date on which the application is deemed complete. Grant Applications that have an existing SCDHS Approval-to-Construct an I/A OWTS from the Office of Wastewater Management will be prioritized for processing, subject to the availability of Program funds.

D.) All Grant Certificates shall be issued by the Commissioner subject to the availability of Program funds.

(1) Any Property Owner who is not approved for a County Grant award because of the unavailability of County Program funds may, upon written request, have his application held for consideration by the Department if/or when enough additional Program funds become available to cover Grant award in such order as set forth in R. 840-5.1 C. above.

E.) Upon issuance of a Grant Certificate, the Department may prepare a Grant Agreement. Grant Agreements shall be executed as set forth in **R. 840-7.1** by the Grant Awardee within thirty (30) days of the date of Grant Certificate.

F.) Appeals

Where an applicant has been denied or rescinded a Grant, such applicant may appeal such determination by submitting a written appeal letter to the Commissioner. Such appeal letter must be submitted within ninety (90) days of the date of the written correspondence from the Department and should include all information that may be necessary to conduct a review of the determination. For the purposes of this paragraph electronic mail submissions shall be deemed “in writing.”

**R. 840-6.1 Scope of grant; use of funds.**

A.) The Grant award shall only be used for the following expenses in accordance with the requirements of Suffolk County Resolution No. 963-2021 and the Grant Agreement executed by the County and the Grant Awardee:

- (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) excavation and backfilling;
- (5) design services including the preparation of a site plan, installation, inspection, as-built surveys, and applicable permitting;
- (6) pumping and decommissioning of an existing on-site system.

B.) Grant funding is limited to system vendors who have a valid liquid waste license with an I/A OWTS endorsement issued by the Suffolk County Department of Consumer Affairs.

C.) All other costs are to be borne by the Developer, including, but not limited to:

- (1) irrigation repairs;
- (2) post installation design and landscaping;
- (3) electrical improvements unrelated to the I/A OWTS;
- (4) any other improvements not permitted in **R. 840-6.1 (A)** necessary for the installation of the System; and
- (5) sales tax and permitting fees.

**R. 840-7.1 Execution of Grant Agreement; Condition of Grant; Return of Grant Funding provisions.**

A.) A Grant Agreement shall be executed within thirty (30) days of the date of the Grant Certificate issued under **R. 840-5.1**. If the Grant Agreement is not executed within thirty (30) days, the Grant award may be terminated at the Commissioner's sole discretion.

B.) Disbursement of the Grant to the Developer may proceed upon full execution of a Grant Agreement.

C.) Installation of a System shall be completed within two (2) years of the execution of the Grant Agreement. In the event the System is not installed and functional within two (2) years of execution of the Grant Agreement, the Grant award may be terminated at the Commissioner's sole discretion and the Grant award shall be returned to the County by the Developer. Installation shall be defined as Final Approval of Constructed Works from the Office of Wastewater Management.

D.) Dispersed Grant Funds are subject to the Return of Grant Funding provisions as defined in **R. 840-2.2(C)** of the Rules and Regulations.

**R. 840-10. No Liability to County. Reserved.**

**R. 840-12. Exclusions.**

- A.) No application submitted for a Grant shall be considered by the Commissioner if:
- (1) The property is not considered residential land and can be defined as an infill build or green build as defined within these Rules and Regulations;
  - (2) The property is not a single and separate tax lot on the 1981 tax maps OR is an approved lot on a land division approved by the Department;
  - (3) The Residential Parcel has outstanding or open real property tax liens;
  - (4) The sale price of the improved property is greater than 110% of the median cost of a single-family home in Suffolk County as determined by the August 2021 OneKeyMLS Regional Market Data report;
  - (5) The property is already connected to a public or private sewer, located within an existing sewer district, or located within a proposed sewer expansion area;
  - (6) The property has already received a grant under the Septic Improvement Program or New York State Septic System Replacement Program.

**R. 840-13. Forms.**

Applicant may apply online at: <https://www.suffolkcountyny.gov/GAP>

**R. 840-14. Authority.**

These Joint Rules and Regulations, adopted under the authority of Suffolk County Resolution No. 963-2021, may be amended or repealed from time to time as deemed necessary by the Commissioner.